

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 761 & 774
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, February 7, 2008, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

3509S.03C

AN ACT

To repeal sections 301.010, 301.130, 302.230, 302.272, 302.275, 302.321, 302.545, 302.700, 302.735, 302.755, 302.775, 304.016, 304.070, 304.230, 304.281, 306.016, 306.535, 307.100, 307.179, 311.326, 390.071, 390.136, 430.082, and 622.095, RSMo, and to enact in lieu thereof forty new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 301.010, 301.130, 302.230, 302.272, 302.275, 302.321, 302.545, 302.700, 302.735, 302.755, 302.775, 304.016, 304.070, 304.230, 304.281, 306.016, 306.535, 307.100, 307.179, 311.326, 390.071, 390.136, 430.082, and 622.095, RSMo, are repealed and forty new sections enacted in lieu thereof, to be known as sections 227.103, 301.010, 301.130, 302.230, 302.272, 302.275, 302.305, 302.321, 302.545, 302.700, 302.735, 302.755, 302.775, 304.016, 304.032, 304.070, 304.230, 304.232, 304.281, 306.016, 306.535, 307.100, 307.179, 311.326, 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, 385.436, 390.021, 390.136, and 430.082, to read as follows:

227.103. 1. Notwithstanding any other provision of law to the contrary, the commission is authorized to accept an annual bid bond for its construction and maintenance projects. The commission shall prescribe the form and content of an annual bid bond under the provisions set forth in the Missouri standard specifications for highway construction, or its successor.

2. The commission is authorized to promulgate administrative

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 rules to administer the provisions of this section. Any rule or portion
9 of a rule, as that term is defined in section 536.010, RSMo, that is
10 created under the authority delegated in this section shall become
11 effective only if it complies with and is subject to all of the provisions
12 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
13 section and chapter 536, RSMo, are nonseverable and if any of the
14 powers vested with the general assembly pursuant to chapter 536,
15 RSMo, to review, to delay the effective date, or to disapprove and annul
16 a rule are subsequently held unconstitutional, then the grant of
17 rulemaking authority and any rule proposed or adopted after August
18 28, 2008, shall be invalid and void.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120
2 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms
3 mean:

4 (1) "Affidavits", written declaration made under oath before a
5 notary public or authorized official which is required when prescribed
6 by the director of revenue for this chapter and chapter 306, RSMo;

7 (2) "All-terrain vehicle", any motorized vehicle manufactured and used
8 exclusively for off-highway use which is fifty inches or less in width, with an
9 unladen dry weight of one thousand pounds or less, traveling on three, four or
10 more low pressure tires, with a seat designed to be straddled by the operator, or
11 with a seat designed to carry more than one person, and handlebars for steering
12 control;

13 [(2)] (3) "Automobile transporter", any vehicle combination designed and
14 used specifically for the transport of assembled motor vehicles;

15 [(3)] (4) "Axle load", the total load transmitted to the road by all wheels
16 whose centers are included between two parallel transverse vertical planes forty
17 inches apart, extending across the full width of the vehicle;

18 [(4)] (5) "Boat transporter", any vehicle combination designed and used
19 specifically to transport assembled boats and boat hulls;

20 [(5)] (6) "Body shop", a business that repairs physical damage on motor
21 vehicles that are not owned by the shop or its officers or employees by mending,
22 straightening, replacing body parts, or painting;

23 [(6)] (7) "Bus", a motor vehicle primarily for the transportation of a
24 driver and eight or more passengers but not including shuttle buses;

25 [(7)] (8) "Commercial motor vehicle", a motor vehicle designed or

26 regularly used for carrying freight and merchandise, or more than eight
27 passengers but not including vanpools or shuttle buses;

28 [(8)] (9) "Cotton trailer", a trailer designed and used exclusively for
29 transporting cotton at speeds less than forty miles per hour from field to field or
30 from field to market and return;

31 [(9)] (10) "Dealer", any person, firm, corporation, association, agent or
32 subagent engaged in the sale or exchange of new, used or reconstructed motor
33 vehicles or trailers;

34 [(10)] (11) "Director" or "director of revenue", the director of the
35 department of revenue;

36 [(11)] (12) "Driveaway operation":

37 (a) The movement of a motor vehicle or trailer by any person or motor
38 carrier other than a dealer over any public highway, under its own power singly,
39 or in a fixed combination of two or more vehicles, for the purpose of delivery for
40 sale or for delivery either before or after sale;

41 (b) The movement of any vehicle or vehicles, not owned by the transporter,
42 constituting the commodity being transported, by a person engaged in the
43 business of furnishing drivers and operators for the purpose of transporting
44 vehicles in transit from one place to another by the driveaway or towaway
45 methods; or

46 (c) The movement of a motor vehicle by any person who is lawfully
47 engaged in the business of transporting or delivering vehicles that are not the
48 person's own and vehicles of a type otherwise required to be registered, by the
49 driveaway or towaway methods, from a point of manufacture, assembly or
50 distribution or from the owner of the vehicles to a dealer or sales agent of a
51 manufacturer or to any consignee designated by the shipper or consignor;

52 [(12)] (13) "Dromedary", a box, deck, or plate mounted behind the cab
53 and forward of the fifth wheel on the frame of the power unit of a truck
54 tractor-semitrailer combination. A truck tractor equipped with a dromedary may
55 carry part of a load when operating independently or in a combination with a
56 semitrailer;

57 [(13)] (14) "Farm tractor", a tractor used exclusively for agricultural
58 purposes;

59 [(14)] (15) "Fleet", any group of ten or more motor vehicles owned by the
60 same owner;

61 [(15)] (16) "Fleet vehicle", a motor vehicle which is included as part of

62 a fleet;

63 [(16)] (17) "Fullmount", a vehicle mounted completely on the frame of
64 either the first or last vehicle in a saddlemount combination;

65 [(17)] (18) "Gross weight", the weight of vehicle and/or vehicle
66 combination without load, plus the weight of any load thereon;

67 [(18)] (19) "Hail-damaged vehicle", any vehicle, the body of which has
68 become dented as the result of the impact of hail;

69 [(19)] (20) "Highway", any public thoroughfare for vehicles, including
70 state roads, county roads and public streets, avenues, boulevards, parkways or
71 alleys in any municipality;

72 [(20)] (21) "Improved highway", a highway which has been paved with
73 gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that
74 it shall have a hard, smooth surface;

75 [(21)] (22) "Intersecting highway", any highway which joins another,
76 whether or not it crosses the same;

77 [(22)] (23) "Junk vehicle", a vehicle which is incapable of operation or use
78 upon the highways and has no resale value except as a source of parts or scrap,
79 and shall not be titled or registered;

80 [(23)] (24) "Kit vehicle", a motor vehicle assembled by a person other
81 than a generally recognized manufacturer of motor vehicles by the use of a glider
82 kit or replica purchased from an authorized manufacturer and accompanied by
83 a manufacturer's statement of origin;

84 [(24)] (25) "Land improvement contractors' commercial motor vehicle",
85 any not-for-hire commercial motor vehicle the operation of which is confined to:

86 (a) An area that extends not more than a radius of one hundred miles
87 from its home base of operations when transporting its owner's machinery,
88 equipment, or auxiliary supplies to or from projects involving soil and water
89 conservation, or to and from equipment dealers' maintenance facilities for
90 maintenance purposes; or

91 (b) An area that extends not more than a radius of fifty miles from its
92 home base of operations when transporting its owner's machinery, equipment, or
93 auxiliary supplies to or from projects not involving soil and water conservation.
94 Nothing in this subdivision shall be construed to prevent any motor vehicle from
95 being registered as a commercial motor vehicle or local commercial motor vehicle;

96 [(25)] (26) "Local commercial motor vehicle", a commercial motor vehicle
97 whose operations are confined solely to a municipality and that area extending

98 not more than fifty miles therefrom, or a commercial motor vehicle whose
99 property-carrying operations are confined solely to the transportation of property
100 owned by any person who is the owner or operator of such vehicle to or from a
101 farm owned by such person or under the person's control by virtue of a landlord
102 and tenant lease; provided that any such property transported to any such farm
103 is for use in the operation of such farm;

104 **[(26)] (27)** "Local log truck", a commercial motor vehicle which is
105 registered pursuant to this chapter to operate as a motor vehicle on the public
106 highways of this state, used exclusively in this state, used to transport harvested
107 forest products, operated solely at a forested site and in an area extending not
108 more than a one hundred-mile radius from such site, carries a load with
109 dimensions not in excess of twenty-five cubic yards per two axles with dual
110 wheels, and when operated on the national system of interstate and defense
111 highways described in Title 23, Section 103(e) of the United States Code, such
112 vehicle shall not exceed the weight limits of section 304.180, RSMo, does not have
113 more than four axles, and does not pull a trailer which has more than two
114 axles. Harvesting equipment which is used specifically for cutting, felling,
115 trimming, delimbing, debarking, chipping, skidding, loading, unloading, and
116 stacking may be transported on a local log truck. A local log truck may not
117 exceed the limits required by law, however, if the truck does exceed such limits
118 as determined by the inspecting officer, then notwithstanding any other
119 provisions of law to the contrary, such truck shall be subject to the weight limits
120 required by such sections as licensed for eighty thousand pounds;

121 **[(27)] (28)** "Local log truck tractor", a commercial motor vehicle which is
122 registered under this chapter to operate as a motor vehicle on the public
123 highways of this state, used exclusively in this state, used to transport harvested
124 forest products, operated solely at a forested site and in an area extending not
125 more than a one hundred-mile radius from such site, operates with a weight not
126 exceeding twenty-two thousand four hundred pounds on one axle or with a weight
127 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and
128 when operated on the national system of interstate and defense highways
129 described in Title 23, Section 103(e) of the United States Code, such vehicle does
130 not exceed the weight limits contained in section 304.180, RSMo, and does not
131 have more than three axles and does not pull a trailer which has more than two
132 axles. Violations of axle weight limitations shall be subject to the load limit
133 penalty as described for in sections 304.180 to 304.220, RSMo;

134 [(28)] **(29)** "Local transit bus", a bus whose operations are confined
135 wholly within a municipal corporation, or wholly within a municipal corporation
136 and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto,
137 forming a part of a public transportation system within such municipal
138 corporation and such municipal corporation and adjacent commercial zone;

139 [(29)] **(30)** "Log truck", a vehicle which is not a local log truck or local log
140 truck tractor and is used exclusively to transport harvested forest products to and
141 from forested sites which is registered pursuant to this chapter to operate as a
142 motor vehicle on the public highways of this state for the transportation of
143 harvested forest products;

144 [(30)] **(31)** "Major component parts", the rear clip, cowl, frame, body, cab,
145 front-end assembly, and front clip, as those terms are defined by the director of
146 revenue pursuant to rules and regulations or by illustrations;

147 [(31)] **(32)** "Manufacturer", any person, firm, corporation or association
148 engaged in the business of manufacturing or assembling motor vehicles, trailers
149 or vessels for sale;

150 [(32)] **(33)** "Mobile scrap processor", a business located in Missouri or any
151 other state that comes onto a salvage site and crushes motor vehicles and parts
152 for transportation to a shredder or scrap metal operator for recycling;

153 [(33)] **(34)** "Motor change vehicle", a vehicle manufactured prior to
154 August, 1957, which receives a new, rebuilt or used engine, and which used the
155 number stamped on the original engine as the vehicle identification number;

156 [(34)] **(35)** "Motor vehicle", any self-propelled vehicle not operated
157 exclusively upon tracks, except farm tractors;

158 [(35)] **(36)** "Motor vehicle primarily for business use", any vehicle other
159 than a recreational motor vehicle, motorcycle, motortricycle, or any commercial
160 motor vehicle licensed for over twelve thousand pounds:

161 (a) Offered for hire or lease; or

162 (b) The owner of which also owns ten or more such motor vehicles;

163 [(36)] **(37)** "Motorcycle", a motor vehicle operated on two wheels;

164 [(37)] **(38)** "Motorized bicycle", any two-wheeled or three-wheeled device
165 having an automatic transmission and a motor with a cylinder capacity of not
166 more than fifty cubic centimeters, which produces less than three gross brake
167 horsepower, and is capable of propelling the device at a maximum speed of not
168 more than thirty miles per hour on level ground;

169 [(38)] **(39)** "Motortricycle", a motor vehicle operated on three wheels,

170 including a motorcycle while operated with any conveyance, temporary or
171 otherwise, requiring the use of a third wheel. A motortricycle shall not be
172 included in the definition of all-terrain vehicle;

173 [(39)] **(40)** "Municipality", any city, town or village, whether incorporated
174 or not;

175 [(40)] **(41)** "Nonresident", a resident of a state or country other than the
176 state of Missouri;

177 [(41)] **(42)** "Non-USA-std motor vehicle", a motor vehicle not originally
178 manufactured in compliance with United States emissions or safety standards;

179 [(42)] **(43)** "Operator", any person who operates or drives a motor vehicle;

180 [(43)] **(44)** "Owner", any person, firm, corporation or association, who
181 holds the legal title to a vehicle or in the event a vehicle is the subject of an
182 agreement for the conditional sale or lease thereof with the right of purchase
183 upon performance of the conditions stated in the agreement and with an
184 immediate right of possession vested in the conditional vendee or lessee, or in the
185 event a mortgagor of a vehicle is entitled to possession, then such conditional
186 vendee or lessee or mortgagor shall be deemed the owner for the purpose of this
187 law;

188 [(44)] **(45)** "Public garage", a place of business where motor vehicles are
189 housed, stored, repaired, reconstructed or repainted for persons other than the
190 owners or operators of such place of business;

191 [(45)] **(46)** "Rebuilder", a business that repairs or rebuilds motor vehicles
192 owned by the rebuilder, but does not include certificated common or contract
193 carriers of persons or property;

194 [(46)] **(47)** "Reconstructed motor vehicle", a vehicle that is altered from
195 its original construction by the addition or substitution of two or more new or
196 used major component parts, excluding motor vehicles made from all new parts,
197 and new multistage manufactured vehicles;

198 [(47)] **(48)** "Recreational motor vehicle", any motor vehicle designed,
199 constructed or substantially modified so that it may be used and is used for the
200 purposes of temporary housing quarters, including therein sleeping and eating
201 facilities which are either permanently attached to the motor vehicle or attached
202 to a unit which is securely attached to the motor vehicle. Nothing herein shall
203 prevent any motor vehicle from being registered as a commercial motor vehicle
204 if the motor vehicle could otherwise be so registered;

205 [(48)] **(49)** "Rollback or car carrier", any vehicle specifically designed to

206 transport wrecked, disabled or otherwise inoperable vehicles, when the
207 transportation is directly connected to a wrecker or towing service;

208 [(49)] **(50)** "Saddlemount combination", a combination of vehicles in
209 which a truck or truck tractor tows one or more trucks or truck tractors, each
210 connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The
211 "saddle" is a mechanism that connects the front axle of the towed vehicle to the
212 frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin
213 connection. When two vehicles are towed in this manner the combination is
214 called a "double saddlemount combination". When three vehicles are towed in
215 this manner, the combination is called a "triple saddlemount combination";

216 [(50)] **(51)** "Salvage dealer and dismantler", a business that dismantles
217 used motor vehicles for the sale of the parts thereof, and buys and sells used
218 motor vehicle parts and accessories;

219 [(51)] **(52)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer
220 which:

221 (a) Was damaged [during a year that is no more than six years after the
222 manufacturer's model year designation for such vehicle] **and was purchased** to
223 the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its
224 condition immediately before it was damaged for legal operation on the roads or
225 highways exceeds eighty percent of the fair market value of the vehicle
226 immediately preceding the time it was damaged **and was purchased**;

227 (b) By reason of condition or circumstance, has been declared salvage,
228 either by its owner, or by a person, firm, corporation, or other legal entity
229 exercising the right of security interest in it;

230 (c) Has been declared salvage by an insurance company as a result of
231 settlement of a claim;

232 (d) Ownership of which is evidenced by a salvage title; or

233 (e) Is abandoned property which is titled pursuant to section 304.155,
234 RSMo, or section 304.157, RSMo, and designated with the words
235 "salvage/abandoned property".

236 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the
237 cost of repairing, replacing, or reinstalling inflatable safety restraints, tires,
238 sound systems, or damage as a result of hail, or any sales tax on parts or
239 materials to rebuild or reconstruct the vehicle. For purposes of this definition,
240 "fair market value" means the retail value of a motor vehicle as:

241 a. Set forth in a current edition of any nationally recognized compilation

242 of retail values, including automated databases, or from publications commonly
243 used by the automotive and insurance industries to establish the values of motor
244 vehicles;

245 b. Determined pursuant to a market survey of comparable vehicles with
246 regard to condition and equipment; and

247 c. Determined by an insurance company using any other procedure
248 recognized by the insurance industry, including market surveys, that is applied
249 by the company in a uniform manner;

250 [(52)] **(53)** "School bus", any motor vehicle used solely to transport
251 students to or from school or to transport students to or from any place for
252 educational purposes;

253 [(53)] **(54)** "Shuttle bus", a motor vehicle used or maintained by any
254 person, firm, or corporation as an incidental service to transport patrons or
255 customers of the regular business of such person, firm, or corporation to and from
256 the place of business of the person, firm, or corporation providing the service at
257 no fee or charge. Shuttle buses shall not be registered as buses or as commercial
258 motor vehicles;

259 [(54)] **(55)** "Special mobile equipment", every self-propelled vehicle not
260 designed or used primarily for the transportation of persons or property and
261 incidentally operated or moved over the highways, including farm equipment,
262 implements of husbandry, road construction or maintenance machinery,
263 ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes,
264 graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
265 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished
266 machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers,
267 drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This
268 enumeration shall be deemed partial and shall not operate to exclude other such
269 vehicles which are within the general terms of this section;

270 [(55)] **(56)** "Specially constructed motor vehicle", a motor vehicle which
271 shall not have been originally constructed under a distinctive name, make, model
272 or type by a manufacturer of motor vehicles. The term specially constructed
273 motor vehicle includes kit vehicles;

274 [(56)] **(57)** "Stinger-steered combination", a truck tractor-semitrailer
275 wherein the fifth wheel is located on a drop frame located behind and below the
276 rearmost axle of the power unit;

277 [(57)] **(58)** "Tandem axle", a group of two or more axles, arranged one

278 behind another, the distance between the extremes of which is more than forty
279 inches and not more than ninety-six inches apart;

280 [(58)] **(59)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled
281 motor vehicle designed for drawing other vehicles, but not for the carriage of any
282 load when operating independently. When attached to a semitrailer, it supports
283 a part of the weight thereof;

284 [(59)] **(60)** "Trailer", any vehicle without motive power designed for
285 carrying property or passengers on its own structure and for being drawn by a
286 self-propelled vehicle, except those running exclusively on tracks, including a
287 semitrailer or vehicle of the trailer type so designed and used in conjunction with
288 a self-propelled vehicle that a considerable part of its own weight rests upon and
289 is carried by the towing vehicle. The term "trailer" shall not include cotton
290 trailers as defined in subdivision (8) of this section and shall not include
291 manufactured homes as defined in section 700.010, RSMo;

292 [(60)] **(61)** "Truck", a motor vehicle designed, used, or maintained for the
293 transportation of property;

294 [(61)] **(62)** "Truck-tractor semitrailer-semitrailer", a combination vehicle
295 in which the two trailing units are connected with a B-train assembly which is
296 a rigid frame extension attached to the rear frame of a first semitrailer which
297 allows for a fifth-wheel connection point for the second semitrailer and has one
298 less articulation point than the conventional "A dolly" connected truck-tractor
299 semitrailer-trailer combination;

300 [(62)] **(63)** "Truck-trailer boat transporter combination", a boat
301 transporter combination consisting of a straight truck towing a trailer using
302 typically a ball and socket connection with the trailer axle located substantially
303 at the trailer center of gravity rather than the rear of the trailer but so as to
304 maintain a downward force on the trailer tongue;

305 [(63)] **(64)** "Used parts dealer", a business that buys and sells used motor
306 vehicle parts or accessories, but not including a business that sells only new,
307 remanufactured or rebuilt parts. "Business" does not include isolated sales at a
308 swap meet of less than three days;

309 [(64)] **(65)** "Vanpool", any van or other motor vehicle used or maintained
310 by any person, group, firm, corporation, association, city, county or state agency,
311 or any member thereof, for the transportation of not less than eight nor more
312 than forty-eight employees, per motor vehicle, to and from their place of
313 employment; however, a vanpool shall not be included in the definition of the

314 term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7)
315 of this section, nor shall a vanpool driver be deemed a "chauffeur" as that term
316 is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for
317 ride-sharing arrangements, recreational, personal, or maintenance uses constitute
318 an unlicensed use of the motor vehicle, unless used for monetary profit other than
319 for use in a ride-sharing arrangement;

320 [(65)] **(66)** "Vehicle", any mechanical device on wheels, designed
321 primarily for use, or used, on highways, except motorized bicycles, **improperly**
322 **imported vehicles**, vehicles propelled or drawn by horses or human power, or
323 vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
324 wheelchairs operated by handicapped persons;

325 [(66)] **(67)** "Wrecker" or "tow truck", any emergency commercial vehicle
326 equipped, designed and used to assist or render aid and transport or tow disabled
327 or wrecked vehicles from a highway, road, street or highway rights-of-way to a
328 point of storage or repair, including towing a replacement vehicle to replace a
329 disabled or wrecked vehicle;

330 [(67)] **(68)** "Wrecker or towing service", the act of transporting, towing
331 or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not
332 owned by the operator of the wrecker, tow truck, rollback or car carrier for which
333 the operator directly or indirectly receives compensation or other personal gain.

301.130. 1. The director of revenue, upon receipt of a proper application
2 for registration, required fees and any other information which may be required
3 by law, shall issue to the applicant a certificate of registration in such manner
4 and form as the director of revenue may prescribe and a set of license plates, or
5 other evidence of registration, as provided by this section. Each set of license
6 plates shall bear the name or abbreviated name of this state, the words
7 "SHOW-ME STATE", the month and year in which the registration shall expire,
8 and an arrangement of numbers or letters, or both, as shall be assigned from year
9 to year by the director of revenue. The plates shall also contain fully reflective
10 material with a common color scheme and design for each type of license plate
11 issued pursuant to this chapter. The plates shall be clearly visible at night, and
12 shall be aesthetically attractive. Special plates for qualified disabled veterans
13 will have the "DISABLED VETERAN" wording on the license plates in preference
14 to the words "SHOW-ME STATE" and special plates for members of the national
15 guard will have the "NATIONAL GUARD" wording in preference to the words
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be
18 uniform throughout each classification of registration. The director may provide
19 for the arrangement of the numbers in groups or otherwise, and for other
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a
22 gross weight in excess of twelve thousand pounds, all passenger-carrying
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be
25 registered with the director of revenue as provided for in subsection 3 of section
26 301.030, or with the state highways and transportation commission as otherwise
27 provided in this chapter[, but only one license plate shall be issued for each such
28 vehicle except as provided in this subsection]. The applicant for registration of
29 any property-carrying commercial motor vehicle [may request and be] **shall be**
30 issued two license plates for such vehicle[, and if such plates are issued the
31 director of revenue may assess and collect an additional charge from the
32 applicant in an amount not to exceed the fee prescribed for personalized license
33 plates in subsection 1 of section 301.144].

34 4. The plates issued to manufacturers and dealers shall bear the letters
35 and numbers as prescribed by section 301.560, and the director may place upon
36 the plates other letters or marks to distinguish commercial motor vehicles and
37 trailers and other types of motor vehicles.

38 5. No motor vehicle or trailer shall be operated on any highway of this
39 state unless it shall have displayed thereon the license plate or set of license
40 plates issued by the director of revenue or the state highways and transportation
41 commission and authorized by section 301.140. Each such plate shall be securely
42 fastened to the motor vehicle or trailer in a manner so that all parts thereof shall
43 be plainly visible and reasonably clean so that the reflective qualities thereof are
44 not impaired. Each such plate may be encased in a transparent cover so long as
45 the plate is plainly visible and its reflective qualities are not impaired. License
46 plates shall be fastened to all motor vehicles except trucks, tractors, truck
47 tractors or truck-tractors licensed in excess of twelve thousand pounds on the
48 front and rear of such vehicles not less than eight nor more than forty-eight
49 inches above the ground, with the letters and numbers thereon right side up. The
50 license plates on trailers, motorcycles, motortricycles and motorscooters shall be
51 displayed on the rear of such vehicles, with the letters and numbers thereon right
52 side up. The license plate on buses, other than school buses, and on trucks,

tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of

89 registration or other suitable evidence of payment of the annual fee, and such
90 evidence of payment shall be carried at all times in the vehicle for which it is
91 issued.

92 (6) Upon the sale or disposal of any vehicle permanently registered under
93 this section, or upon the termination of a lease of any such vehicle, the permanent
94 nonexpiring plate issued for such vehicle shall be returned to the highways and
95 transportation commission and shall not be valid for operation of such vehicle, or
96 the plate may be transferred to a replacement vehicle when the owner files a
97 supplemental application with the Missouri highways and transportation
98 commission for the registration of such replacement vehicle. If a vehicle which
99 is permanently registered under this section is sold, wrecked or otherwise
100 disposed of, or the lease terminated, the registrant shall be given credit for any
101 unused portion of the annual registration fee when the vehicle is replaced by the
102 purchase or lease of another vehicle during the registration year.

103 7. The director of revenue and the highways and transportation
104 commission may prescribe rules and regulations for the effective administration
105 of this section. No rule or portion of a rule promulgated under the authority of
106 this section shall become effective unless it has been promulgated pursuant to the
107 provisions of section 536.024, RSMo.

108 8. Notwithstanding the provisions of any other law to the contrary, owners
109 of motor vehicles other than apportioned motor vehicles or commercial motor
110 vehicles licensed in excess of eighteen thousand pounds gross weight may apply
111 for special personalized license plates. Vehicles licensed for eighteen thousand
112 pounds that display special personalized license plates shall be subject to the
113 provisions of subsections 1 and 2 of section 301.030.

114 9. No later than January 1, 2009, the director of revenue shall commence
115 the reissuance of new license plates of such design as directed by the director
116 consistent with the terms, conditions, and provisions of this section and this
117 chapter. Except as otherwise provided in this section, in addition to all other fees
118 required by law, applicants for registration of vehicles with license plates that
119 expire during the period of reissuance, applicants for registration of trailers or
120 semitrailers with license plates that expire during the period of reissuance and
121 applicants for registration of vehicles that are to be issued new license plates
122 during the period of reissuance shall pay the cost of the plates required by this
123 subsection. The additional cost prescribed in this subsection shall not be charged
124 to persons receiving special license plates issued under section 301.073 or

125 301.443. Historic motor vehicle license plates registered pursuant to section
126 301.131 and specialized license plates are exempt from the provisions of this
127 subsection.

302.230. Any person who makes a false unsworn statement or affidavit or
2 knowingly swears or affirms falsely as to any matter or thing required by sections
3 302.010 to 302.540 shall be deemed guilty of a class [A misdemeanor] **D felony**.
4 No person who pleads guilty or nolo contendere, or is found guilty of making a
5 false statement or affidavit shall be licensed to operate a motor vehicle for a
6 period of one year after such plea, finding or conviction.

302.272. 1. No person shall operate any school bus owned by or under
2 contract with a public school or the state board of education unless such driver
3 has qualified for a school bus endorsement under this section and complied with
4 the pertinent rules and regulations of the department of revenue and any final
5 rule issued by the secretary of the United States Department of Transportation
6 or has a valid school bus endorsement on a valid commercial driver's license
7 issued by another state. A school bus endorsement shall be issued to any
8 applicant who meets the following qualifications:

9 (1) The applicant has a valid state license issued under this chapter;
10 (2) The applicant is at least twenty-one years of age; and
11 (3) The applicant has successfully passed an examination for the
12 operation of a school bus as prescribed by the director of revenue. The
13 examination shall include any examinations prescribed by the secretary of the
14 United States Department of Transportation, and a driving test in the type of
15 vehicle to be operated. The test shall be completed in the appropriate class of
16 vehicle to be driven. For purposes of this section classes of school buses shall
17 comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
18 Law 99-570). For drivers who are at least seventy years of age, such examination
19 shall be completed annually.

20 2. The director of revenue, to the best of the director's knowledge, shall
21 not issue or renew a school bus endorsement to any applicant whose driving
22 record shows that such applicant's privilege to operate a motor vehicle has been
23 suspended, revoked or disqualified or whose driving record shows a history of
24 moving vehicle violations.

25 3. **The director of revenue shall not issue or renew a school bus**
26 **endorsement to any applicant whose driving record shows that the**
27 **applicant has been convicted of an intoxication-related traffic offense,**

28 as that term is defined in section 577.023, RSMo, while operating a
29 school bus. A person found guilty of or pleading guilty to an
30 intoxication-related traffic offense while operating a school bus shall
31 have his or her school bus endorsement permanently denied by the
32 court, beginning on the date of the court's order.

33 4. The director may adopt any rules and regulations necessary to carry
34 out the provisions of this section. Any rule or portion of a rule, as that term is
35 defined in section 536.010, RSMo, that is created under the authority delegated
36 in this section shall become effective only if it complies with and is subject to all
37 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
38 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
39 powers vested with the general assembly pursuant to chapter 536, RSMo, to
40 review, to delay the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking authority and
42 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

43 [4.] 5. Notwithstanding the requirements of this section, an applicant
44 who resides in another state and possesses a valid driver's license from his or her
45 state of residence with a valid school bus endorsement for the type of vehicle
46 being operated shall not be required to obtain a Missouri driver's license with a
47 school bus endorsement.

302.275. 1. Any employer of a person licensed pursuant to section 302.272
2 to operate a school bus, as that term is defined in section 301.010, RSMo, shall
3 notify the director of the department of revenue within ten days of discovering
4 that the person has failed to pass any drug, alcohol or chemical test administered
5 pursuant to the requirements of any federal or state law, rule or regulation
6 regarding the operation of a school bus. The notification shall consist of the
7 person's name and any other relevant information required by the director. The
8 director shall determine the manner in which the notification is made. Any
9 employer, or any officer of an employer, who knowingly fails to comply with the
10 notification requirement of this section or who knowingly provides a false
11 notification shall be guilty of an infraction.

12 2. Whenever a citation for an intoxicated-related traffic offense,
13 as defined by section 577.023, RSMo, is issued to any person licensed
14 under section 302.272 to operate a school bus, the person shall notify
15 the superintendent of the school district or employing contractor for
16 which he or she operates a school bus of the citation. Notice of such

17 citation shall be given prior to the person resuming operation of a
18 school bus. Failure to notify the school district or the employing
19 contractor of the citation shall constitute a valid reason to discharge
20 such person from the school district's or employing contractor's
21 employ.

302.305. 1. The director of the department of revenue shall issue
2 a registration plate impoundment order to any person whose driver's
3 license has been suspended, revoked, or disqualified for a period
4 greater than sixty days. The registration plate impoundment order
5 shall require the impoundment of the registration plates of all motor
6 vehicles owned by, registered, or leased in the name of the person
7 whose driver's license has been suspended, revoked, or disqualified,
8 including motor vehicles registered solely or jointly in the name of
9 such individual. The registration plate impoundment order shall notify
10 the person that he or she has seven days to surrender all registration
11 plates listed in the registration impoundment order. Within seven days
12 of receipt of the registration plate impoundment order, the person shall
13 surrender his or her current license plates for any motor vehicle
14 registered solely or jointly in the name of such person to the director
15 of the department of revenue for destruction. If the person fails to
16 return all license plates to the director within seven days of receipt of
17 the registration plate impoundment order, the director shall direct the
18 Missouri state highway patrol or any peace or police officer to secure
19 the possession of such license plates. The person shall be issued a set
20 of restricted license plates which shall bear a special series of numbers
21 or letters so as to be readily identified by the highway patrol and other
22 law enforcement officers. The restricted plates shall be displayed on
23 the motor vehicle or motor vehicles registered solely or jointly in the
24 person's name for the period of the suspension, revocation, denial, or
25 disqualification. The applicant shall pay replacement plate fees as
26 provided in section 301.300, RSMo, for the restricted license plates in
27 addition to any other registration fees that may apply. After
28 reinstatement, standard plates shall be obtained under the
29 requirements and fees established in chapter 301, RSMo.

30 2. Until the driver's license of the motor vehicle owner is
31 reinstated, any new license plate issued to the motor vehicle owner
32 shall conform to the provisions of this section.

33 3. Any law enforcement officer who observes the operation of a
34 motor vehicle within this state bearing the restricted license plates
35 issued under this section, may stop the motor vehicle for the purpose
36 of determining whether the driver is operating such vehicle lawfully
37 under a valid driver's license.

38 4. A registered owner of a motor vehicle who has been issued
39 restricted license plates under the provisions of this section may not
40 sell the motor vehicle during the period the motor vehicle is required
41 to display such plates unless the registered owner applies to the
42 department of revenue for permission to transfer title to the motor
43 vehicle. If the director of the department of revenue is satisfied that
44 the proposed sale is in good faith and for a valid consideration, and
45 that the sale or transfer is not for the purpose of circumventing the
46 provisions of this section, the director may certify its consent to the
47 owner of the motor vehicle. Any vehicle acquired by the applicant
48 during the period of restriction shall display the restricted license
49 plates.

50 5. If, during the time the restricted license plates are required
51 to be displayed under this section, the title to a motor vehicle is
52 transferred by a foreclosure, a sale upon execution, or other similar
53 legal action, the department shall enter notice of the transfer of the
54 motor vehicle's title in the motor vehicle system and the restricted
55 license plates shall be returned to the department of revenue for
56 destruction.

57 6. No person operating a motor vehicle displaying restricted
58 license plates as described in this section shall knowingly replace,
59 disguise, or obscure the nature of such plates.

60 7. Nothing contained in this section shall alter or be construed
61 to alter the obligations of a person with respect to the taxation of
62 motor vehicles or the time within which a person must pay personal
63 property taxes upon a motor vehicle.

64 8. The director of the department of revenue is authorized to
65 promulgate rules and regulations to implement the provisions of this
66 section. Any rule or portion of a rule, as that term is defined in section
67 536.010, RSMo, that is created under the authority delegated in this
68 section shall become effective only if it complies with and is subject to
69 all of the provisions of chapter 536, RSMo, and, if applicable, section

70 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
71 **and if any of the powers vested with the general assembly pursuant to**
72 **chapter 536, RSMo, to review, to delay the effective date, or to**
73 **disapprove and annul a rule are subsequently held unconstitutional,**
74 **then the grant of rulemaking authority and any rule proposed or**
75 **adopted after August 28, 2008, shall be invalid and void.**

76 **9. The provisions of this section shall become effective January**
77 **1, 2009.**

302.321. 1. A person commits the crime of driving while revoked if such
2 person operates a motor vehicle on a highway when such person's license or
3 driving privilege has been canceled, suspended, or revoked under the laws of this
4 state or any other state and acts with criminal negligence with respect to
5 knowledge of the fact that such person's driving privilege has been canceled,
6 suspended, or revoked.

7 2. Any person convicted of driving while revoked is guilty of a class A
8 misdemeanor. **If the person convicted of driving while revoked was**
9 **operating a school bus at the time of the offense, the person shall be**
10 **fined not less than one thousand dollars if the offense is otherwise a**
11 **class A misdemeanor.** Any person with no prior alcohol-related enforcement
12 contacts as defined in section 302.525, convicted a fourth or subsequent time of
13 driving while revoked or a county or municipal ordinance of driving while
14 suspended or revoked where the defendant was represented by or waived the
15 right to an attorney in writing, and where the prior three driving-while-revoked
16 offenses occurred within ten years of the date of occurrence of the present offense;
17 and any person with a prior alcohol-related enforcement contact as defined in
18 section 302.525, convicted a third or subsequent time of driving while revoked or
19 a county or municipal ordinance of driving while suspended or revoked where the
20 defendant was represented by or waived the right to an attorney in writing, and
21 where the prior two driving-while-revoked offenses occurred within ten years of
22 the date of occurrence of the present offense and where the person received and
23 served a sentence of ten days or more on such previous offenses is guilty of a class
24 D felony. No court shall suspend the imposition of sentence as to such a person
25 nor sentence such person to pay a fine in lieu of a term of imprisonment, nor
26 shall such person be eligible for parole or probation until such person has served
27 a minimum of forty-eight consecutive hours of imprisonment, unless as a
28 condition of such parole or probation, such person performs at least ten days

29 involving at least forty hours of community service under the supervision of the
30 court in those jurisdictions which have a recognized program for community
31 service. Driving while revoked is a class D felony on the second or subsequent
32 conviction pursuant to section 577.010, RSMo, or a fourth or subsequent
33 conviction for any other offense.

302.545. 1. Any person who is less than twenty-one years of age and
2 whose driving privilege has been suspended or revoked, for a first determination
3 under sections 302.500 to 302.540, that such person was driving with
4 two-hundredths of one percent of blood alcohol content, shall have all official
5 records and all recordations maintained by the department of revenue of such
6 suspension or revocation expunged two years after the date of such suspension
7 or revocation, or when such person attains the age of twenty-one, whichever date
8 first occurs. Such expungement shall be performed by the department of revenue
9 without need of a court order. No records shall be expunged if the person was
10 found guilty or pled guilty to operating a commercial motor vehicle, as defined in
11 section 302.700, **or if the person was holding a commercial driver's**
12 **license at the time of the offense**, with a blood alcohol content of at least
13 four-hundredths of one percent.

14 2. The provisions of this section shall not apply to any person whose
15 license is suspended or revoked for a second or subsequent time pursuant to
16 subsection 1 of this section or who is convicted of any alcohol-related driving
17 offense before the age of twenty-one including, but not limited to:

18 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

19 (2) Driving with excessive blood alcohol content pursuant to section
20 577.012, RSMo.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) "Commercial driver's instruction permit", a permit issued pursuant to

12 section 302.720;

13 (4) "Commercial driver's license", a license issued by this state to an
14 individual which authorizes the individual to operate a commercial motor vehicle;

15 (5) "Commercial driver's license information system", the information
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information
18 related to the licensing and identification of commercial motor vehicle drivers;

19 (6) "Commercial motor vehicle", a motor vehicle designed or used to
20 transport passengers or property:

21 (a) If the vehicle has a gross combination weight rating of twenty-six
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle
23 weight rating of ten thousand one pounds or more;

24 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand
25 one or more pounds or such lesser rating as determined by federal regulation;

26 (c) If the vehicle is designed to transport sixteen or more passengers,
27 including the driver; or

28 (d) If the vehicle is transporting hazardous materials and is required to
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801
30 et seq.);

31 (7) "Controlled substance", any substance so classified under Section
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be
34 revised from time to time;

35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of
36 guilt and nolo contendere, or a determination that a person has violated or failed
37 to comply with the law in a court of original jurisdiction or an authorized
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
39 to secure the person's appearance in court, the payment of a fine or court cost, or
40 violation of a condition of release without bail, regardless of whether the penalty
41 is rebated, suspended or prorated, **including an offense for failure to appear**
42 **or pay;**

43 (9) "Director", the director of revenue or his authorized representative;

44 (10) "Disqualification", any of the following three actions:

45 (a) The suspension, revocation, or cancellation of a commercial driver's
46 license;

47 (b) Any withdrawal of a person's privileges to drive a commercial motor

48 vehicle by a state as the result of a violation of federal, state, county, municipal,
49 or local law relating to motor vehicle traffic control or violations committed
50 through the operation of motor vehicles, other than parking, vehicle weight, or
51 vehicle defect violations;

52 (c) A determination by the Federal Motor Carrier Safety Administration
53 that a person is not qualified to operate a commercial motor vehicle under 49
54 CFR Part 383.52 or Part 391;

55 (11) "Drive", to drive, operate or be in physical control of a commercial
56 motor vehicle;

57 (12) "Driver", any person who drives, operates, or is in physical control of
58 a motor vehicle, or who is required to hold a commercial driver's license;

59 (13) "Driving under the influence of alcohol", the commission of any one
60 or more of the following acts:

61 (a) Driving a commercial motor vehicle with the alcohol concentration of
62 four one-hundredths of a percent or more as prescribed by the secretary or such
63 other alcohol concentration as may be later determined by the secretary by
64 regulation;

65 (b) Driving a commercial or noncommercial motor vehicle while
66 intoxicated in violation of any federal or state law, or in violation of a county or
67 municipal ordinance;

68 (c) Driving a commercial or noncommercial motor vehicle with excessive
69 blood alcohol content in violation of any federal or state law, or in violation of a
70 county or municipal ordinance;

71 (d) Refusing to submit to a chemical test in violation of section 577.041,
72 RSMo, section 302.750, any federal or state law, or a county or municipal
73 ordinance; or

74 (e) Having any state, county or municipal alcohol-related enforcement
75 contact, as defined in subsection 3 of section 302.525; provided that any
76 suspension or revocation pursuant to section 302.505, committed in a
77 noncommercial motor vehicle by an individual twenty-one years of age or older
78 shall have been committed by the person with an alcohol concentration of at least
79 eight-hundredths of one percent or more, or in the case of an individual who is
80 less than twenty-one years of age, shall have been committed by the person with
81 an alcohol concentration of at least two-hundredths of one percent or more, and
82 if committed in a commercial motor vehicle, a concentration of four-hundredths
83 of one percent or more;

84 (14) "Driving under the influence of a controlled substance", the
85 commission of any one or more of the following acts in a commercial or
86 noncommercial motor vehicle:

87 (a) Driving a commercial or noncommercial motor vehicle while under the
88 influence of any substance so classified under Section 102(6) of the Controlled
89 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I
90 through V of 21 CFR Part 1308, as they may be revised from time to time;

91 (b) Driving a commercial or noncommercial motor vehicle while in a
92 drugged condition in violation of any federal or state law or in violation of a
93 county or municipal ordinance; or

94 (c) Refusing to submit to a chemical test in violation of section 577.041,
95 RSMo, section 302.750, any federal or state law, or a county or municipal
96 ordinance;

97 (15) "Employer", any person, including the United States, a state, or a
98 political subdivision of a state, who owns or leases a commercial motor vehicle or
99 assigns a driver to operate such a vehicle;

100 (16) "Farm vehicle", a commercial motor vehicle controlled and operated
101 by a farmer used exclusively for the transportation of agricultural products, farm
102 machinery, farm supplies, or a combination of these, **to or from the farm**,
103 within one hundred fifty miles of the farm, other than one which requires
104 placarding for hazardous materials as defined in this section, or used in the
105 operation of a common or contract motor carrier, except that a farm vehicle shall
106 not be a commercial motor vehicle when the total combined gross weight rating
107 does not exceed twenty-six thousand one pounds when transporting fertilizers as
108 defined in subdivision (21) of this subsection;

109 (17) "Fatality", the death of a person as a result of a motor vehicle
110 accident;

111 (18) "Felony", any offense under state or federal law that is punishable by
112 death or imprisonment for a term exceeding one year;

113 (19) "Gross combination weight rating" or "GCWR", the value specified by
114 the manufacturer as the loaded weight of a combination (articulated) vehicle. In
115 the absence of a value specified by the manufacturer, GCWR will be determined
116 by adding the GVWR of the power unit and the total weight of the towed unit and
117 any load thereon;

118 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the
119 manufacturer as the loaded weight of a single vehicle;

120 (21) "Hazardous materials", [hazardous materials as specified in Section
121 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et
122 seq.). Fertilizers, including but not limited to ammonium nitrate, phosphate,
123 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not
124 be considered hazardous materials when transported by a farm vehicle provided
125 all other provisions of this definition are followed] **any material that has been**
126 **designated as hazardous under 49 U.S.C. 5103 and is required to be**
127 **placarded under subpart F of CFR part 172 or any quantity of a**
128 **material listed as a select agent or toxin in 42 CFR part 73;**

129 (22) "Imminent hazard", the existence of a condition that presents a
130 substantial likelihood that death, serious illness, severe personal injury, or a
131 substantial endangerment to health, property, or the environment may occur
132 before the reasonably foreseeable completion date of a formal proceeding begins
133 to lessen the risk of that death, illness, injury, or endangerment;

134 (23) "Issuance", the initial licensure, license transfers, license renewals,
135 and license upgrades;

136 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively
137 upon tracks;

138 (25) "Noncommercial motor vehicle", a motor vehicle or combination of
139 motor vehicles not defined by the term "commercial motor vehicle" in this section;

140 (26) "Out of service", a temporary prohibition against the operation of a
141 commercial motor vehicle by a particular driver, or the operation of a particular
142 commercial motor vehicle, or the operation of a particular motor carrier;

143 (27) "Out-of-service order", a declaration by the Federal Highway
144 Administration, or any authorized enforcement officer of a federal, state,
145 Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that
146 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of
147 service;

148 (28) "School bus", a commercial motor vehicle used to transport
149 preprimary, primary, or secondary school students from home to school, from
150 school to home, or to and from school-sponsored events. School bus does not
151 include a bus used as a common carrier as defined by the Secretary;

152 (29) "Secretary", the Secretary of Transportation of the United States;

153 (30) "Serious traffic violation", driving a commercial motor vehicle in such
154 a manner that the driver receives a conviction for the following offenses or driving
155 a noncommercial motor vehicle when the driver receives a conviction for the

156 following offenses and the conviction results in the suspension or revocation of
157 the driver's license or noncommercial motor vehicle driving privilege:

158 (a) Excessive speeding, as defined by the Secretary by regulation;

159 (b) Careless, reckless or imprudent driving which includes, but shall not
160 be limited to, any violation of section 304.016, RSMo, any violation of section
161 304.010, RSMo, or any other violation of federal or state law, or any county or
162 municipal ordinance while driving a commercial motor vehicle in a willful or
163 wanton disregard for the safety of persons or property, or improper or erratic
164 traffic lane changes, or following the vehicle ahead too closely, but shall not
165 include careless and imprudent driving by excessive speed;

166 (c) A violation of any federal or state law or county or municipal ordinance
167 regulating the operation of motor vehicles arising out of an accident or collision
168 which resulted in death to any person, other than a parking violation;

169 (d) Driving a commercial motor vehicle without obtaining a commercial
170 driver's license in violation of any federal or state or county or municipal
171 ordinance;

172 (e) Driving a commercial motor vehicle without a commercial driver's
173 license in the driver's possession in violation of any federal or state or county or
174 municipal ordinance. Any individual who provides proof to the court which has
175 jurisdiction over the issued citation that the individual held a valid commercial
176 driver's license on the date that the citation was issued shall not be guilty of this
177 offense;

178 (f) Driving a commercial motor vehicle without the proper commercial
179 driver's license class or endorsement for the specific vehicle group being operated
180 or for the passengers or type of cargo being transported in violation of any federal
181 or state law or county or municipal ordinance; or

182 (g) Any other violation of a federal or state law or county or municipal
183 ordinance regulating the operation of motor vehicles, other than a parking
184 violation, as prescribed by the secretary by regulation;

185 (31) "State", a state, territory or possession of the United States, the
186 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province
187 of Canada;

188 (32) "United States", the fifty states and the District of Columbia.

302.735. 1. An application shall not be taken from a nonresident after
2 September 30, 2005. The application for a commercial driver's license shall
3 include, but not be limited to, the applicant's legal name, mailing and residence

4 address, if different, a physical description of the person, including sex, height,
5 weight and eye color, the person's Social Security number, date of birth and any
6 other information deemed appropriate by the director. The application shall also
7 require, beginning September 30, 2005, the applicant to provide the names of all
8 states where the applicant has been previously licensed to drive any type of motor
9 vehicle during the preceding ten years.

10 2. A commercial driver's license shall expire on the applicant's birthday
11 in the sixth year after issuance, unless the license must be issued for a shorter
12 period due to other requirements of law or for transition or staggering of work as
13 determined by the director, and must be renewed on or before the date of
14 expiration. When a person changes such person's name an application for a
15 duplicate license shall be made to the director of revenue. When a person
16 changes such person's mailing address or residence the applicant shall notify the
17 director of revenue of said change, however, no application for a duplicate license
18 is required. A commercial license issued pursuant to this section to an applicant
19 less than twenty-one years of age and seventy years of age and older shall expire
20 on the applicant's birthday in the third year after issuance, unless the license
21 must be issued for a shorter period as determined by the director.

22 3. A commercial driver's license containing a hazardous materials
23 endorsement issued to an applicant who is between the age of twenty-one and
24 sixty-nine shall not be issued for a period exceeding five years from the approval
25 date of the security threat assessment as determined by the Transportation
26 Security Administration.

27 4. The director shall issue an annual commercial driver's license
28 containing a school bus endorsement to an applicant who is seventy years of age
29 or older. The fee for such license shall be seven dollars and fifty cents.

30 5. A commercial driver's license containing a hazardous materials
31 endorsement issued to an applicant who is seventy years of age or older shall not
32 be issued for a period exceeding three years. The director shall not require such
33 drivers to obtain a security threat assessment more frequently than such
34 assessment is required by the Transportation Security Administration under the
35 Uniting and Strengthening America by Providing Appropriate Tools Required to
36 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

37 **(1) The state shall immediately revoke a hazardous materials**
38 **endorsement upon receipt of an initial determination of threat**
39 **assessment and immediate revocation from the Transportation Security**

40 **Administration as defined by 49 CFR 1572.13(a).**

41 **(2) The state shall revoke or deny a hazardous materials**
42 **endorsement within fifteen days of receipt of a final determination of**
43 **threat assessment from the Transportation Security Administration as**
44 **required by CFR 1572.13(a).**

45 6. The fee for a commercial driver's license or renewal commercial driver's
46 license issued for a period greater than three years shall be forty dollars.

47 7. The fee for a commercial driver's license or renewal commercial driver's
48 license issued for a period of three years or less shall be twenty dollars.

49 8. The fee for a duplicate commercial driver's license shall be twenty
50 dollars.

51 9. In order for the director to properly transition driver's license
52 requirements under the Motor Carrier Safety Improvement Act of 1999 and the
53 Uniting and Strengthening America by Providing Appropriate Tools Required to
54 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director
55 is authorized to stagger expiration dates and make adjustments for any fees,
56 including driver examination fees that are incurred by the driver as a result of
57 the initial issuance of a transitional license required to comply with such acts.

58 10. Within thirty days after moving to this state, the holder of a
59 commercial driver's license shall apply for a commercial driver's license in this
60 state. The applicant shall meet all other requirements of sections 302.700 to
61 302.780, except that the director may waive the driving test for a commercial
62 driver's license as required in section 302.720 if the applicant for a commercial
63 driver's license has a valid commercial driver's license from a state which has
64 requirements for issuance of such license comparable to those in this state.

65 11. Any person who falsifies any information in an application or test for
66 a commercial driver's license shall not be licensed to operate a commercial motor
67 vehicle, or the person's commercial driver's license shall be canceled, for a period
68 of one year after the director discovers such falsification.

69 12. Beginning July 1, 2005, the director shall not issue a commercial
70 driver's license under this section unless the director verifies that the applicant
71 is lawfully present in the United States before accepting the application. If
72 lawful presence is granted for a temporary period, no commercial driver's license
73 shall be issued. The director may, by rule or regulation, establish procedures to
74 verify the lawful presence of the applicant and establish the duration of any
75 commercial driver's license issued under this section. No rule or portion of a rule

76 promulgated pursuant to the authority of this section shall become effective
77 unless it has been promulgated pursuant to chapter 536, RSMo.

78 13. (1) Effective December 19, 2005, notwithstanding any provisions of
79 subsections 1 and 5 of this section to the contrary, the director may issue a
80 nonresident commercial driver's license to a resident of a foreign jurisdiction if
81 the United States Secretary of Transportation has determined that the
82 commercial motor vehicle testing and licensing standards in the foreign
83 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

84 (2) Any applicant for a nonresident commercial driver's license must
85 present evidence satisfactory to the director that the applicant currently has
86 employment with an employer in this state. The nonresident applicant must
87 meet the same testing, driver record requirements, conditions, and is subject to
88 the same disqualification and conviction reporting requirements applicable to
89 resident commercial drivers.

90 (3) The nonresident commercial driver's license will expire on the same
91 date that the documents establishing lawful presence for employment expire. The
92 word "nonresident" shall appear on the face of the nonresident commercial
93 driver's license. Any applicant for a Missouri nonresident commercial driver's
94 license must first surrender any nonresident commercial driver's license issued
95 by another state.

96 (4) The nonresident commercial driver's license applicant must pay the
97 same fees as required for the issuance of a resident commercial driver's license.

98 14. Foreign jurisdiction for purposes of issuing a nonresident commercial
99 driver's license under this section shall not include any of the fifty states of the
100 United States or Canada or Mexico.

302.755. 1. A person is disqualified from driving a commercial motor
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled
4 substance;

5 (2) Driving a commercial motor vehicle which causes a fatality through
6 the negligent operation of the commercial motor vehicle, including but not limited
7 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent
8 homicide;

9 (3) Driving a commercial motor vehicle while revoked pursuant to section
10 302.727;

11 (4) Leaving the scene of an accident involving a commercial or

12 noncommercial motor vehicle operated by the person;

13 (5) Using a commercial or noncommercial motor vehicle in the commission
14 of any felony, as defined in section 302.700, except a felony as provided in
15 subsection 4 of this section.

16 2. If any of the violations described in subsection 1 of this section occur
17 while transporting a hazardous material the person is disqualified for a period
18 of not less than three years

19 3. Any person is disqualified from operating a commercial motor vehicle
20 for life if convicted of two or more violations of any of the offenses specified in
21 subsection 1 of this section, or any combination of those offenses, arising from two
22 or more separate incidents. The director may issue rules and regulations, in
23 accordance with guidelines established by the secretary, under which a
24 disqualification for life under this section may be reduced to a period of not less
25 than ten years.

26 4. Any person is disqualified from driving a commercial motor vehicle for
27 life who uses a commercial or noncommercial motor vehicle in the commission of
28 any felony involving the manufacture, distribution, or dispensing of a controlled
29 substance, or possession with intent to manufacture, distribute, or dispense a
30 controlled substance.

31 5. Any person is disqualified from operating a commercial motor vehicle
32 for a period of not less than sixty days if convicted of two serious traffic violations
33 or one hundred twenty days if convicted of three serious traffic violations, arising
34 from separate incidents occurring within a three-year period.

35 6. Any person found to be operating a commercial motor vehicle while
36 having any measurable alcohol concentration shall immediately be issued a
37 continuous twenty-four-hour out-of-service order by a law enforcement officer in
38 this state.

39 7. Any person who is convicted of operating a commercial motor vehicle
40 beginning at the time of issuance of the out-of-service order until its expiration
41 is guilty of a class A misdemeanor.

42 8. Any person convicted for the first time of driving while out of service
43 shall be disqualified from driving a commercial motor vehicle [for a period of
44 ninety days] **in the manner prescribed in 49 CFR Part 383, or as amended**
45 **by the Secretary.**

46 9. Any person convicted of driving while out of service on a second
47 occasion during any ten-year period, involving separate incidents, shall be

48 disqualified [for a period of one year] **in the manner prescribed in 49 CFR**
49 **Part 383, or as amended by the Secretary.**

50 10. Any person convicted of driving while out of service on a third or
51 subsequent occasion during any ten-year period, involving separate incidents,
52 shall be disqualified for a period of three years.

53 11. Any person convicted of a first violation of an out-of-service order
54 while transporting hazardous materials or while operating a motor vehicle
55 designed to transport sixteen or more passengers, including the driver, is
56 disqualified for a period of one hundred eighty days.

57 12. Any person convicted of any subsequent violation of an out-of-service
58 order in a separate incident within ten years after a previous violation, while
59 transporting hazardous materials or while operating a motor vehicle designed to
60 transport fifteen passengers, including the driver, is disqualified for a period of
61 three years.

62 13. Any person convicted of any other offense as specified by regulations
63 promulgated by the Secretary of Transportation shall be disqualified in
64 accordance with such regulations.

65 14. After suspending, revoking, canceling or disqualifying a driver, the
66 director shall update records to reflect such action and notify a nonresident's
67 licensing authority and the commercial driver's license information system within
68 ten days in the manner prescribed in 49 CFR Part 384, or as amended by the
69 Secretary.

70 15. Any person disqualified from operating a commercial motor vehicle
71 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
72 driver's license canceled, and upon conclusion of the period of disqualification
73 shall take the written and driving tests and meet all other requirements of
74 sections 302.700 to 302.780. Such disqualification and cancellation shall not be
75 withdrawn by the director until such person reapplies for a commercial driver's
76 license in this or any other state after meeting all requirements of sections
77 302.700 to 302.780.

78 16. The director shall disqualify a driver upon receipt of notification that
79 the Secretary has determined a driver to be an imminent hazard pursuant to 49
80 CFR, Part 383.52. Due process of a disqualification determined by the Secretary
81 pursuant to this section shall be held in accordance with regulations promulgated
82 by the Secretary. The period of disqualification determined by the Secretary
83 pursuant to this section shall be served concurrently to any other period of

84 disqualification which may be imposed by the director pursuant to this
85 section. Both disqualifications shall appear on the driving record of the driver.

86 **17. The director shall disqualify a commercial license holder or**
87 **operator of a commercial vehicle from operation of any commercial**
88 **motor vehicle upon receipt of a conviction for an offense of failure to**
89 **appear or pay, and such disqualification shall remain in effect until the**
90 **director receives notice that the person has complied with the**
91 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

2 (1) Any person driving a farm vehicle as defined in section 302.700 **which**
3 **is:**

4 **(a) Controlled and operated by a farmer, including operation by**
5 **employees or family members;**

6 **(b) Used to transport agricultural products, farm machinery,**
7 **farm supplies, or both, to or from a farm;**

8 **(c) Not used in the operations of a common or contract motor**
9 **carrier; and**

10 **(d) Used within two hundred forty-one kilometers or one**
11 **hundred fifty miles of the farmer's farm;**

12 (2) Any active duty military personnel, members of the reserves and
13 national guard on active duty, including personnel on full-time national guard
14 duty, personnel on part-time training and national guard military technicians,
15 while driving [military] vehicles for military purposes;

16 (3) Any person who drives emergency or fire equipment necessary to the
17 preservation of life or property or the execution of emergency governmental
18 functions under emergency conditions;

19 (4) Any person qualified to operate the equipment under subdivision (3)
20 of this section when operating such equipment in other functions such as parades,
21 special events, repair, service or other authorized movements;

22 (5) Any person driving or pulling a recreational vehicle, as defined in
23 sections 301.010 and 700.010, RSMo, for personal use; and

24 (6) Any other class of persons exempted by rule or regulation of the
25 director, which rule or regulation is in compliance with the Commercial Motor
26 Vehicle Safety Act of 1986 and any amendments or regulations drafted to that
27 act.

304.016. 1. The following rules shall govern the overtaking and passing

2 of vehicles proceeding in the same direction, subject to the limitations and
3 exceptions hereinafter stated:

4 (1) The driver of a vehicle overtaking another vehicle proceeding in the
5 same direction shall pass to the left thereof at a safe distance and shall not again
6 drive to the right side of the roadway until safely clear of the overtaken vehicle;
7 and

8 (2) Except when overtaking and passing on the right is permitted, the
9 driver of an overtaken vehicle shall give way to the right in favor of the
10 overtaking vehicle and shall not increase the speed of such driver's vehicle until
11 completely passed by the overtaking vehicle.

12 2. The driver of a motor vehicle may overtake and pass to the right of
13 another vehicle only under the following conditions:

14 (1) When the vehicle overtaken is making or about to make a left turn;

15 (2) Upon a city street with unobstructed pavement of sufficient width for
16 two or more lines of vehicles in each direction;

17 (3) Upon a one-way street;

18 (4) Upon any highway outside of a city with unobstructed pavement of
19 sufficient width and clearly marked for four or more lines of traffic. The driver
20 of a motor vehicle may overtake and pass another vehicle upon the right only
21 under the foregoing conditions when such movement may be made in safety. In
22 no event shall such movement be made by driving off the paved or main traveled
23 portion of the roadway. The provisions of this subsection shall not relieve the
24 driver of a slow-moving vehicle from the duty to drive as closely as practicable to
25 the right-hand edge of the roadway.

26 3. Except when a roadway has been divided into three traffic lanes, no
27 vehicle shall be driven to the left side of the center line of a highway or public
28 road in overtaking and passing another vehicle proceeding in the same direction
29 unless such left side is clearly visible and is free of oncoming traffic for a
30 sufficient distance ahead to permit such overtaking and passing to be completely
31 made without interfering with the safe operation of any vehicle approaching from
32 the opposite direction or any vehicle overtaken.

33 4. No vehicle shall at any time be driven to the left side of the roadway
34 under the following conditions:

35 (1) When approaching the crest of a grade or upon a curve of the highway
36 where the driver's view is obstructed within such distance as to create a hazard
37 in the event another vehicle might approach from the opposite direction;

38 (2) When the view is obstructed upon approaching within one hundred
39 feet of any bridge, viaduct, tunnel or when approaching within one hundred feet
40 of or at any intersection or railroad grade crossing; or

41 (3) When the roadway is clearly marked with a solid yellow
42 center stripe indicating a no passing zone or an unsafe location to
43 overtake or drive to the left side of the roadway, except that the
44 provisions of this subdivision shall not apply when:

45 (a) Executing a lawful turn; or

46 (b) Overtaking a vehicle, as defined in section 307.020, RSMo,
47 that is traveling at a speed of less than twenty-five miles per hour, or
48 when avoiding debris in the roadway, so long as such action does not
49 create a hazard, as specified in subdivision (1) of this subsection.

50 5. Violation of this section shall be deemed a class C misdemeanor.

304.032. 1. For purposes of this section, "utility vehicle" means
2 **any motorized vehicle manufactured and used exclusively for off-**
3 **highway use which is sixty-three inches or less in width, with an**
4 **unladen dry weight of one thousand nine hundred pounds or less,**
5 **traveling on four or six wheels, excluding all-terrain vehicles, to be**
6 **used primarily for agricultural, landscaping, lawn care, or maintenance**
7 **purposes.**

8 **2. No person shall operate a utility vehicle, as defined in this**
9 **section upon the highways of this state, except as follows:**

10 (1) Utility vehicles owned and operated by a governmental entity
11 for official use;

12 (2) Utility vehicles operated for agricultural purposes or
13 industrial on-premises purposes between the official sunrise and sunset
14 on the day of operation;

15 (3) Utility vehicles operated by handicapped persons for short
16 distances occasionally only on the state's secondary roads when
17 operated between the hours of sunrise and sunset;

18 (4) Governing bodies of cities may issue special permits for
19 utility vehicles to be used on highways within the city limits by
20 licensed drivers. Fees of fifteen dollars may be collected and retained
21 by cities for such permits;

22 (5) Governing bodies of counties may issue special permits for
23 utility vehicles to be used on county roads within the county by
24 licensed drivers. Fees of fifteen dollars may be collected and retained

25 by the counties for such permits.

26 3. No person shall operate a utility vehicle within any stream or
27 river in this state, except that utility vehicles may be operated within
28 waterways which flow within the boundaries of land which a utility
29 vehicle operator owns, or for agricultural purposes within the
30 boundaries of land which a utility vehicle operator owns or has
31 permission to be upon, or for the purpose of fording such stream or
32 river of this state at such road crossings as are customary or part of the
33 highway system. All law enforcement officials or peace officers of this
34 state and its political subdivisions or department of conservation
35 agents or department of natural resources park rangers shall enforce
36 the provisions of this subsection within the geographic area of their
37 jurisdiction.

38 4. A person operating a utility vehicle on a public road pursuant
39 to an exception covered in this section shall have a valid operator's or
40 chauffeur's license, except that a handicapped person operating such
41 vehicle pursuant to subdivision (3) of subsection 2 of this section, but
42 shall not be required to have passed an examination for the operation
43 of a motorcycle, and the vehicle shall be operated at speeds of less than
44 thirty miles per hour and shall operate such vehicle at the highest
45 degree of care and shall meet the financial responsibility requirements
46 of chapter 303, RSMo.

47 5. No persons shall operate a utility vehicle while under the
48 influence of alcohol or any controlled substance.

49 6. No operator of a utility vehicle shall carry a passenger, except
50 for agricultural purposes. The provisions of this subsection shall not
51 apply to any utility vehicle in which the seat of such vehicle is
52 designed to carry more than one person.

53 7. Utility vehicles shall be exempt from the titling and
54 registration provisions of chapter 301, RSMo.

55 8. A violation of this section shall be a class C misdemeanor.

304.070. 1. Any person who violates any of the provisions of subsections
2 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition,
3 beginning July 1, 2005, the court may suspend the driver's license of any person
4 who violates the provision of subsection 1 of section 304.050. If ordered by the
5 court, the director shall suspend the driver's license for [ninety] **one hundred**
6 **twenty** days for a first offense of subsection 1 of section 304.050, and one

7 hundred [twenty] **eighty** days for a second or subsequent offense of subsection
8 1 of section 304.050. Any person who violates subsection 1 of section 304.050
9 where such violation results in the injury of any child shall be guilty of a class
10 D felony. Any person who violates subsection 1 of section 304.050 where such
11 violation causes the death of any child shall be guilty of a class C felony.

12 2. Any appeal of a suspension imposed under subsection 1 of this section
13 shall be a direct appeal of the court order and subject to review by the presiding
14 judge of the circuit court or another judge within the circuit other than the judge
15 who issued the original order to suspend the driver's license. The director of
16 revenue's entry of the court-ordered suspension on the driving record is not a
17 decision subject to review pursuant to section 302.311, RSMo. Any suspension
18 of the driver's license ordered by the court under this section shall be in addition
19 to any other suspension that may occur as a result of the conviction pursuant to
20 other provisions of law.

304.230. 1. It shall be the duty of the sheriff of each county or city to see
2 that the provisions of sections 304.170 to 304.230 are enforced, and any peace
3 officer or police officer of any county or city or any highway patrol officer shall
4 have the power to arrest on sight or upon a warrant any person found violating
5 or having violated the provisions of such sections. **Beginning January 1, 2009,**
6 **only law enforcement officers that have been certified by the Missouri**
7 **state highway patrol under section 304.232, members of the Missouri**
8 **state highway patrol or commercial vehicle enforcement officers**
9 **appointed under subsection 4 of this section shall have the authority**
10 **to conduct random roadside examinations or inspections to determine**
11 **compliance with sections 304.170 to 304.230, and only such officers shall**
12 **have the authority, with or without probable cause to believe that the**
13 **size or weight is in excess of that permitted by sections 304.170 to**
14 **304.230, to require the driver, operator, owner, lessee, or bailee, to stop,**
15 **drive, or otherwise move to a location to determine compliance with**
16 **sections 304.170 to 304.230. Notwithstanding the provisions of this**
17 **subsection, a law enforcement officer not certified under section**
18 **304.232, may stop a vehicle that has a visible external safety defect**
19 **relating to the enforcement of the provisions of sections 304.170 to**
20 **304.230 that could cause immediate harm to the traveling public. In the**
21 **course of a stop, the law enforcement officer shall identify to the driver**
22 **the defect that caused the stop. If the vehicle passes a comprehensive**

23 roadside inspection, the law enforcement officer, state highway
24 patrolman, or other authorized person may issue the operator, driver,
25 owner, lessee, or bailee of such vehicle a Commercial Vehicle Safety
26 Alliance inspection decal to be affixed to the vehicle in a manner
27 prescribed by the superintendent. Once issued, the Commercial Vehicle
28 Safety Alliance decal shall be valid for a period not to exceed three
29 consecutive months and shall exempt such vehicle from further
30 inspection during such period. However, nothing shall exempt the
31 operator from subjecting such vehicle to an examination or inspection
32 if the vehicle has a visible external safety defect relating to the
33 enforcement of sections 304.170 to 304.230, or the law enforcement
34 officer stopping such vehicle has probable cause to believe that the size
35 or weight of the vehicle is in excess of that permitted by sections
36 304.170 to 304.230. The superintendent of the Missouri state highway
37 patrol shall promulgate rules and regulations relating to the issuance,
38 display, and use of the Commercial Vehicle Safety Alliance decal. Any
39 rule or portion of a rule, as that term is defined in section 536.010,
40 RSMo, that is created under the authority delegated in this section
41 shall become effective only if it complies with and is subject to all of
42 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
43 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
44 of the powers vested with the general assembly pursuant to chapter
45 536, RSMo, to review, to delay the effective date, or to disapprove and
46 annul a rule are subsequently held unconstitutional, then the grant of
47 rulemaking authority and any rule proposed or adopted after August
48 28, 2008, shall be invalid and void.

49 2. [The sheriff or] Any peace officer **certified under section 304.232**
50 or any highway patrol officer is hereby given the power to stop any such
51 conveyance or vehicle as above described upon the public highway for the purpose
52 of determining whether such vehicle is loaded in excess of the provisions of
53 sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation
54 of the provisions thereof he or she shall have a right at that time and place to
55 cause the excess load to be removed from such vehicle; and provided further, that
56 any regularly employed maintenance man of the department of transportation
57 shall have the right and authority in any part of this state to stop any such
58 conveyance or vehicle upon the public highway for the purpose of determining
59 whether such vehicle is loaded in excess of the provisions of sections 304.170 to

60 304.230, and if he or she finds such vehicle loaded in violation of the provisions
61 thereof, he or she shall have the right at that time and place to cause the excess
62 load to be removed from such vehicle. When only an axle or a tandem axle group
63 of a vehicle is overloaded, the operator shall be permitted to shift the load, if this
64 will not overload some other axle or axles, without being charged with a violation;
65 provided, however, the privilege of shifting the weight without being charged with
66 a violation shall not extend to or include vehicles while traveling on the federal
67 interstate system of highways. When only an axle or tandem axle group of the
68 vehicle traveling on the federal interstate system of highways is overloaded and
69 a court authorized to enforce the provisions of sections 304.170 to 304.230 finds
70 that the overloading was due to the inadvertent shifting of the load changing axle
71 weights in transit through no fault of the operator of the vehicle and that the load
72 thereafter had been shifted so that no axle had been overloaded, then the court
73 may find that no violation has been committed. The operator of any vehicle shall
74 be permitted to back up and reweigh, or to turn around and weigh from the
75 opposite direction. Any operator whose vehicle is weighed and found to be within
76 five percent of any legal limit may request and receive a weight ticket,
77 memorandum or statement showing the weight or weights on each axle or any
78 combinations of axles. Once a vehicle is found to be within the limits of section
79 304.180 after having been weighed on any state scale and there is no evidence
80 that any cargo or fuel has been added, no violation shall occur, but a presumption
81 shall exist that cargo or fuel has been added if upon reweighing on another state
82 scale the total gross weight exceeds the applicable limits of section 304.180 or
83 304.190. The highways and transportation commission of this state may deputize
84 and appoint any number of their regularly employed maintenance men to enforce
85 the provisions of such sections, and the maintenance men delegated and
86 appointed in this section shall report to the proper officers any violations of
87 sections 304.170 to 304.230 for prosecution by such proper officers.

88 3. The superintendent of the Missouri state highway patrol may assign
89 qualified persons who are not highway patrol officers to supervise or operate
90 permanent or portable weigh stations used in the enforcement of commercial
91 vehicle laws. These persons shall be designated as commercial vehicle inspectors
92 and have limited police powers:

93 (1) To issue uniform traffic tickets at a permanent or portable weigh
94 station for violations of rules and regulations of the division of motor carrier and
95 railroad safety of the department of economic development and department of

96 public safety, and laws, rules, and regulations pertaining to commercial motor
97 vehicles and trailers and related to size, weight, fuel tax, registration, equipment,
98 driver requirements, transportation of hazardous materials and operators' or
99 chauffeurs' licenses, and the provisions of sections 303.024 and 303.025, RSMo;

100 (2) To require the operator of any commercial vehicle to stop and submit
101 to a vehicle and driver inspection to determine compliance with commercial
102 vehicle laws, rules, and regulations, the provisions of sections 303.024 and
103 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds
104 exist to cause belief that a vehicle is transporting hazardous materials as defined
105 by Title 49 of the Code of Federal Regulations;

106 (3) To make arrests for violation of subdivisions (1) and (2) of this
107 subsection. Commercial vehicle inspectors shall not have the authority to
108 exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until
109 they have successfully completed training approved by the superintendent of the
110 Missouri state highway patrol; nor shall they have the right as peace officers to
111 bear arms.

112 4. The superintendent of the Missouri state highway patrol may appoint
113 qualified persons, who are not members of the highway patrol, designated as
114 commercial vehicle enforcement officers, with the powers:

115 (1) To issue uniform traffic tickets for violations of laws, rules and
116 regulations pertaining to commercial vehicles, trailers, special mobile equipment
117 and drivers of such vehicles, and the provisions of sections 303.024 and 303.025,
118 RSMo;

119 (2) To require the operator of any commercial vehicle to stop and submit
120 to a vehicle and driver inspection to determine compliance with commercial
121 vehicle laws, rules, and regulations, compliance with the provisions of sections
122 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable
123 grounds exist to cause belief that a vehicle is transporting hazardous materials
124 as defined by Title 49 of the Code of Federal Regulations;

125 (3) To make arrests upon warrants and for violations of subdivisions (1)
126 and (2) of this subsection. Commercial vehicle enforcement officers shall not have
127 the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this
128 subsection until they have successfully completed training approved by the
129 superintendent of the Missouri state highway patrol. Commercial vehicle
130 enforcement officers shall have the right as peace officers to bear arms.

131 5. Any additional employees needed for the implementation of this section

132 shall be hired in conformity with the provisions of the federal fair employment
133 and antidiscrimination acts.

134 6. Any part of this section which shall be construed to be in conflict with
135 the axle or tandem axle load limits permitted by the Federal-Aid Highway Act,
136 Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th
137 Congress) shall be null, void and of no effect.

**304.232. 1. The Missouri state highway patrol shall establish
2 procedures for the certification of municipal police officers, sheriffs,
3 deputy sheriffs, and other law enforcement officials that enforce
4 sections 304.170 to 304.230.**

**5 2. The certification procedures established by the Missouri state
6 highway patrol shall include, but not be limited to:**

7 (1) Initial and maintenance of certification, to include:

8 (a) Training;

**9 (b) Recurring training, to be conducted minimally on an annual
10 basis;**

11 (c) Testing; and

**12 (d) On-the-job experience under the supervision of a certified
13 law enforcement official or field training officer;**

**14 (2) Delineation of roles and responsibilities within the specific
15 agency, as well as the coordination with the Missouri state highway
16 patrol;**

**17 (3) Data collection and maintenance and upload to state
18 information systems;**

**19 (4) Computer hardware, software, and communications systems
20 shall be compatible with those of the Missouri state highway patrol;**

**21 (5) Prescribed use of forms and other official documents related
22 to the certification;**

**23 (6) Fine and sanction structure that is similar to that of the
24 Missouri state highway patrol; and**

25 (7) Disposition of moneys generated by fines.

**26 3. The certification procedures shall meet the requirements of
27 the memorandum of understanding between the state of Missouri and
28 the Commercial Vehicle Safety Alliance or any successor organization.**

**29 4. The commercial motor vehicle safety enforcement and
30 inspection activities of all law enforcement officials of a political
31 subdivision of the state of Missouri shall conform to the memorandum**

32 of understanding between the state of Missouri and the Commercial
33 Vehicle Safety Alliance, as appropriate.

34 5. Commercial motor vehicle safety data collection, management,
35 and distribution by law enforcement officials shall support the
36 information systems of the Missouri state highway patrol.

37 6. The Missouri state highway patrol shall establish reasonable
38 fees sufficient to recover the cost of training, recurring training, data
39 collection and management, certifying, and additional administrative
40 functions for law enforcement officials certified under this section. The
41 Missouri state highway patrol may apply for any applicable
42 reimbursement or incentive funds that may be available under the
43 motor carrier safety assistance program to fund the certification
44 training program outlined in this section.

45 7. The agencies for which law enforcement officials certified
46 under this section work for shall, to the extent practicable, adhere to
47 the same Motor Carrier Safety Assistance Program requirements under
48 49 Code of Federal Regulations Part 350 of the Federal Motor Carrier
49 Safety Regulations.

50 8. The agencies for which law enforcement officials certified
51 under this section work for shall be subject to periodic program
52 reviews and, at the discretion of the Missouri state highway patrol, be
53 required to submit a commercial vehicle safety plan that is consistent
54 with and incorporated into the statewide enforcement plan.

55 9. Beginning January 1, 2009, no local law enforcement officer
56 may conduct a random commercial motor vehicle roadside inspection
57 to determine compliance with the provisions of sections 304.170 to
58 304.230 unless the law enforcement officer has satisfactorily completed,
59 as a part of his or her training, the basic course of instruction
60 developed by the Commercial Vehicle Safety Alliance and has been
61 certified by the Missouri state highway patrol under this section. Law
62 enforcement officers authorized to enforce the provisions of sections
63 304.170 to 304.230 shall annually receive in-service training related to
64 commercial motor vehicle operations, including but not limited to
65 training in current federal motor carrier safety regulations, safety
66 inspection procedures, and out-of-service criteria. The annual training
67 requirements shall be designated and specified by the superintendent
68 of the highway patrol.

69 **10. The superintendent of the state highway patrol shall**
70 **promulgate rules and regulations necessary to administer the**
71 **certification procedures and any other provisions of this section. Any**
72 **rule or portion of a rule, as that term is defined in section 536.010,**
73 **RSMo, that is created under the authority delegated in this section**
74 **shall become effective only if it complies with and is subject to all of**
75 **the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
76 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any**
77 **of the powers vested with the general assembly pursuant to chapter**
78 **536, RSMo, to review, to delay the effective date, or to disapprove and**
79 **annul a rule are subsequently held unconstitutional, then the grant of**
80 **rulemaking authority and any rule proposed or adopted after August**
81 **28, 2008, shall be invalid and void.**

304.281. 1. Whenever traffic is controlled by traffic control signals
2 exhibiting different colored lights, or colored lighted arrows, successively one at
3 a time or in combination, only the colors green, red and yellow shall be used,
4 except for special pedestrian signals carrying a word legend, and said lights shall
5 indicate and apply to drivers of vehicles and pedestrians as follows:

6 (1) Green indication

7 (a) Vehicular traffic facing a circular green signal may proceed straight
8 through or turn right or left unless a sign at such place prohibits either such
9 turn. But vehicular traffic, including vehicles turning right or left, shall yield the
10 right-of-way to other vehicles and to pedestrians lawfully within the intersection
11 or an adjacent crosswalk at the time such signal is exhibited;

12 (b) Vehicular traffic facing a green arrow signal, shown alone or in
13 combination with another indication, may cautiously enter the intersection only
14 to make the movement indicated by such arrow, or such other movement as is
15 permitted by other indications shown at the same time. Such vehicular traffic
16 shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk
17 and to other traffic lawfully using the intersection;

18 (c) Unless otherwise directed by a pedestrian control signal, as provided
19 in section 304.291, pedestrians facing any green signal, except when the sole
20 green signal is a turn arrow, may proceed across the roadway within any marked
21 or unmarked crosswalk.

22 (2) Steady yellow indication

23 (a) Vehicular traffic facing a steady yellow signal is thereby warned that

24 the related green movement is being terminated or that a red indication will be
25 exhibited immediately thereafter when vehicular traffic shall not enter the
26 intersection;

27 (b) Pedestrians facing a steady yellow signal, unless otherwise directed
28 by a pedestrian control signal as provided in section 304.291, are thereby advised
29 that there is insufficient time to cross the roadway before a red indication is
30 shown and no pedestrian shall then start to cross the roadway.

31 (3) Steady red indication

32 (a) Vehicular traffic facing a steady red signal alone shall stop before
33 entering the crosswalk on the near side of the intersection at a clearly marked
34 stop line but, if none, then before entering the intersection and shall remain
35 standing until an indication to proceed is shown except as provided in paragraph
36 (b);

37 (b) The driver of a vehicle which is stopped as close as practicable at the
38 entrance to the crosswalk on the near side of the intersection or, if none, then at
39 the entrance to the intersection in obedience to a red signal, may cautiously enter
40 the intersection to make a right turn but shall yield the right-of-way to
41 pedestrians and other traffic proceeding as directed by the signal at the
42 intersection, except that the state highways and transportation commission with
43 reference to an intersection involving a state highway, and local authorities with
44 reference to an intersection involving other highways under their jurisdiction,
45 may prohibit any such right turn against a red signal at any intersection where
46 safety conditions so require, said prohibition shall be effective when a sign is
47 erected at such intersection giving notice thereof;

48 (c) Unless otherwise directed by a pedestrian control signal as provided
49 in section 304.291, pedestrians facing a steady red signal alone shall not enter
50 the roadway.

51 (4) In the event an official traffic control signal is erected and maintained
52 at a place other than an intersection, the provision of this section shall be
53 applicable except as to those provisions which by their nature can have no
54 application. Any stop required shall be made at a sign or marking on the
55 pavement indicating where the stop shall be made, but in the absence of any such
56 sign or marking the stop shall be made at the signal.

57 2. Notwithstanding the provisions of section 304.361, violation of this
58 section is a class C misdemeanor.

59 **3. A person operating a motorcycle who violates this section or**

60 section 304.301 by entering or crossing an intersection controlled by a
61 traffic control signal against a red light shall have an affirmative
62 defense to that charge if the person establishes all of the following
63 conditions:

64 (1) The motorcycle has been brought to a complete stop;

65 (2) The traffic control signal continues to show a red light for an
66 unreasonable time;

67 (3) The traffic control is apparently malfunctioning or, if
68 programmed or engineered to change to a green light only after
69 detecting the approach of a motor vehicle, the signal has apparently
70 failed to detect the arrival of the motorcycle; and

71 (4) No motor vehicle or person is approaching on the street or
72 highway to be crossed or entered or is so far away from the
73 intersection that it does not constitute an immediate hazard.

74 The affirmative defense of this section applies only to a violation for
75 entering or crossing an intersection controlled by a traffic control
76 signal against a red light and does not provide a defense to any other
77 civil or criminal action.

306.016. 1. By January 1, 1995, the owner of any vessel documented by
2 the United States Coast Guard on August 28, 1994, and the new owner of any
3 vessel purchased after August 28, 1994, who upon the sale or transfer of the
4 vessel desires to document the vessel with the United States Coast Guard, shall
5 apply for a vessel certificate of registration and pay a certification fee of seven
6 dollars and fifty cents, an initial registration fee in an amount equal to the
7 amount required for a certificate of number under section 306.030 and all
8 applicable state and local or in lieu watercraft taxes as provided by law in effect
9 on the date the vessel was documented or submit proof that all applicable
10 registration fees have been paid to the department of revenue and all applicable
11 taxes or in lieu watercraft taxes have been paid in this or another state. Such
12 application shall include the county in which such vessel will be normally
13 maintained by the new owner. A certificate of registration and a set of
14 registration decals in a form the director shall prescribe shall be issued for a
15 documented vessel. A Missouri resident shall make application for a vessel
16 certificate of registration within thirty days of acquiring or bringing the vessel
17 into this state. A nonresident shall make application for a vessel certificate of
18 registration within sixty days after acquiring a vessel in this state or bringing a

19 vessel into this state if the vessel will be kept in this state for a period in excess
20 of sixty consecutive days. A delinquency penalty fee of ten dollars shall be
21 imposed for each thirty days of delinquency, not to exceed a total of thirty dollars.
22 If the director of revenue learns that any person has failed to make application
23 for a vessel certificate of registration in accordance with this section or has sold
24 a vessel documented by the United States Coast Guard without obtaining a
25 certificate of registration as provided in this section, the director shall cancel the
26 registration of all vessels and outboard motors registered in the name of the
27 person, either as sole owner or a co-owner, and shall notify the person that the
28 cancellation will remain in force until the person pays the delinquency penalty
29 fee together with all fees, charges, and payments which the person should have
30 paid in connection with the vessel certificate of registration.

31 2. A boat or vessel documented by the United States Coast Guard or other
32 agency of the federal government and operated on the waters of this state shall
33 not be liable for the payment of any state or local sales or use tax on the
34 purchase, but shall be liable for the payment of an in-lieu watercraft tax, which
35 is hereby imposed. The fee in lieu of tax imposed pursuant to this section shall
36 not apply to United States Coast Guard registered vessels purchased for purposes
37 of marine construction including, but not limited to, barges, dredges, marine
38 cranes, and other marine equipment utilized for construction or dredging of
39 waterways. The in-lieu watercraft tax shall be collected by the director of
40 revenue and deposited in the state treasury to the credit of general revenue and
41 shall be appropriated for use by the Missouri state water patrol. Watercraft
42 dealers in this state shall report to the director of revenue on forms furnished by
43 the director the sale of each watercraft sold to a resident of this state. If the
44 watercraft is registered and licensed pursuant to the provisions of this chapter
45 and all applicable sales taxes have been paid, the director shall not collect the
46 in-lieu tax imposed by this subsection. If the watercraft is registered with the
47 United States Coast Guard or other agency of the federal government and not
48 under the provisions of this chapter the director shall bill the purchaser of the
49 watercraft for the in-lieu tax imposed by this subsection. Any person who fails
50 to pay the in-lieu tax due under this section, within thirty days after receipt of
51 the bill from the director of revenue, shall be liable to the same penalties imposed
52 by law for failure to pay sales and use taxes due the state.

53 The in-lieu tax shall be determined as follows:

54 PURCHASE PRICE OF WATERCRAFT

TAX DUE

55	Less than \$15,000	\$ 500.00
56	\$15,001 to \$30,000	650.00
57	\$30,001 to \$50,000	1,000.00
58	\$50,001 to \$100,000	1,400.00
59	\$100,001 to \$150,000	2,000.00
60	\$150,001 to \$200,000	3,000.00
61	\$200,001 to \$250,000	4,000.00
62	\$250,001 to \$300,000	5,000.00
63	\$300,001 to \$350,000	5,500.00
64	\$350,001 to \$400,000	6,000.00
65	\$400,001 to \$450,000	6,500.00
66	\$450,001 to \$500,000	7,500.00
67	\$500,001 to \$550,000	8,500.00
68	\$550,001 to \$650,000	9,500.00
69	\$650,001 to \$750,000	10,500.00
70	\$750,001 and above	add an additional 1,500.00
71		for each \$100,000 increment

72 3. The registration decals for any vessel documented by the United States
73 Coast Guard shall be in force and effect for a period of three years so long as the
74 vessel is owned or held by the original holder of the certificate of registration and
75 shall be renewed upon application and payment of a registration renewal fee
76 equal to the amount required for a certificate of number under section
77 306.030. The owner shall attach the registration decals to both sides of the
78 forward half of the bow of the documented vessel in a place that is fully visible.

79 4. The department of revenue **or their designee** may issue a temporary
80 vessel certificate of registration authorizing the operation of a vessel to be
81 documented by the United States Coast Guard for not more than sixty days. The
82 temporary registration shall be made available by the department of revenue and
83 may be purchased from the department [of revenue] **or their designee** from a
84 dealer upon proof of purchase of a vessel. The department shall make temporary
85 certificates of registration available to **their designees or** registered dealers in
86 this state in sets of ten. The fee for the temporary certificates of registration
87 shall be five dollars each. No dealer **or designee** shall charge more than five
88 dollars for each temporary certificate of registration issued **except as provided**
89 **in section 136.055, RSMo.** The temporary registration shall be valid for a
90 period of sixty days from the date of issuance by the department of revenue **or**

91 **designee** to the purchaser of the vessel or from the date of sale of the vessel by
92 a dealer from which the purchaser obtains a certificate of registration. The
93 temporary certificate of registration shall be issued on a form prescribed by the
94 department of revenue and issued only for the purchaser's use in the operation
95 of the vessel purchased to enable the purchaser to legally operate the vessel while
96 a certificate of registration is being obtained, and shall be displayed on no other
97 vessel. Temporary certificates of registration issued under this section shall not
98 be transferable or renewable and shall not be valid upon issuance of a proper
99 certificate of registration. The dealer or authorized [agent] **designee** shall insert
100 the date of issuance and expiration date, year, make and the manufacturer's
101 identification number of the vessel on the temporary registration when issued to
102 the purchaser. The dealer **or designee** shall complete the information on the
103 temporary registration in full. Every dealer **or designee** that issues a
104 temporary certificate of registration shall keep, for inspection by authorized
105 officers, a correct record of each temporary certificate of registration issued by the
106 dealer **or designee** by recording the registration number, purchaser's name and
107 address, year, make and manufacturer's identification number of the vessel on
108 which the temporary certificate of registration is to be used and the date of
109 issuance.

110 5. Upon the sale or transfer of any vessel documented by the United
111 States Coast Guard for which a certificate of registration has been issued, the
112 registration shall be terminated. If the new owner elects to have the vessel
113 documented by the United States Coast Guard, the new owner shall submit, in
114 addition to the properly assigned certificate of registration, proof of release from
115 the documentation provided by the United States Coast Guard and shall comply
116 with the provisions of this section. If the new owner elects not to document the
117 vessel with the United States Coast Guard, the owner shall comply with the
118 applicable provisions of this chapter.

119 6. The certificate of registration shall be available at all times for
120 inspection on the vessel for which it is issued, whenever the vessel is in
121 operation.

306.535. 1. Applications shall be made on forms prescribed and furnished
2 to the applicant, upon demand, by the director of revenue.

3 2. The application shall contain a brief description of the outboard motor
4 to be registered, the name of manufacturer, the factory number or serial number,
5 the type and color of the outboard motor, the amount of motive power stated in

6 figures of horsepower, and the name and address, including county, of the owner;
7 and a declaration and affidavit of ownership, showing the date and from whom
8 purchased.

9 3. The fee for registering and issuing a license shall be two dollars, and
10 the fee for a certificate of title shall be five dollars, both of which fees shall be
11 paid to the director of revenue at the time of making the application.

12 4. If application for the certificate of title is not made within sixty days
13 after the outboard motor is acquired or brought into the state by the applicant,
14 a delinquency penalty fee of [ten] **twenty-five** dollars for each thirty days of
15 delinquency, not to exceed a total of [thirty] **two hundred** dollars, shall be
16 imposed. If the director of revenue learns that any person has failed to make
17 application for a certificate of title within sixty days after acquiring or bringing
18 into the state an outboard motor or has sold an outboard motor without obtaining
19 a certificate of title, he shall cancel the registration of all outboard motors
20 registered in the name of the person, either as sole owner or as a co-owner, and
21 shall notify the person that the cancellation shall remain in force until the person
22 pays the delinquency penalty fee provided in this subsection together with all
23 fees, charges and payments which he should have paid in connection with the
24 certificate of title and registration of the outboard motor.

307.100. 1. Any lighted lamp or illuminating device upon a motor vehicle
2 other than headlamps, spotlamps, front direction signals or auxiliary lamps which
3 projects a beam of light of an intensity greater than three hundred candlepower
4 shall be so directed that no part of the beam will strike the level of the roadway
5 on which the vehicle stands at a distance of more than seventy-five feet from the
6 vehicle. Alternately flashing warning signals may be used on school buses when
7 used for school purposes and on motor vehicles when used to transport United
8 States mail from post offices to boxes of addressees thereof and on emergency
9 vehicles as defined in section 304.022, RSMo, on buses owned or operated by
10 churches, mosques, synagogues, temples or other houses of worship, and on
11 commercial passenger transport vehicles or railroad passenger cars that are
12 stopped to load or unload passengers, but are prohibited on other motor vehicles,
13 motorcycles and motor-drawn vehicles except as a means for indicating a right or
14 left turn.

15 2. **A motorcycle headlamp may be wired or equipped to allow**
16 **either its upper beam or its lower beam, but not both, to modulate from**
17 **a higher intensity to a lower intensity at a rate of modulation of two**

18 **hundred to two hundred and eighty cycles per minute. A headlamp**
19 **modulator installed on a motorcycle with two headlamps shall be wired**
20 **in a manner to prevent the headlamps from modulating at different**
21 **rates or not in synchronization with each other. A headlamp modulator**
22 **installed on a motorcycle shall meet the standards prescribed in 49 CFR**
23 **Part 571, Section 571.108 and Federal Motor Vehicle Standard 571.108,**
24 **as amended.**

25 **3.** Notwithstanding the provisions of section 307.120, violation of this
26 section is an infraction.

307.179. 1. As used in this section, the following terms shall mean:

2 (1) "Child booster seat", a seating system which meets the Federal Motor
3 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is
4 designed to elevate a child to properly sit in a federally approved safety belt
5 system;

6 (2) "Child passenger restraint system", a seating system which meets the
7 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as
8 amended, and which is either permanently affixed to a motor vehicle or is affixed
9 to such vehicle by a safety belt or a universal attachment system;

10 (3) "Driver", a person who is in actual physical control of a motor vehicle.

11 2. Every driver transporting a child under the age of sixteen years shall
12 be responsible, when transporting such child in a motor vehicle operated by that
13 driver on the streets or highways of this state, for providing for the protection of
14 such child as follows:

15 (1) Children less than four years of age, regardless of weight, shall be
16 secured in a child passenger restraint system appropriate for that child;

17 (2) Children weighing less than forty pounds, regardless of age, shall be
18 secured in a child passenger restraint system appropriate for that child;

19 (3) Children at least four years of age but less than eight years of age,
20 who also weigh at least forty pounds but less than eighty pounds, and who are
21 also less than four feet, nine inches tall, shall be secured in a child passenger
22 restraint system or booster seat appropriate for that child;

23 (4) Children at least eighty pounds or children more than four feet, nine
24 inches in height shall be secured by a vehicle safety belt or booster seat
25 appropriate for that child;

26 (5) A child who otherwise would be required to be secured in a booster
27 seat may be transported in the back seat of a motor vehicle while wearing only

28 a lap belt if the back seat of the motor vehicle is not equipped with a combination
29 lap and shoulder belt for booster seat installation;

30 (6) When transporting children in the immediate family when there are
31 more children than there are seating positions in the enclosed area of a motor
32 vehicle, the children who are not able to be restrained by a child safety restraint
33 device appropriate for the child shall sit in the area behind the front seat of the
34 motor vehicle unless the motor vehicle is designed only for a front seat area. The
35 driver transporting children referred to in this subsection is not in violation of
36 this section.

37 This subsection shall only apply to the use of a child passenger restraint system
38 or vehicle safety belt for children less than sixteen years of age being transported
39 in a motor vehicle.

40 3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this
41 section is guilty of an infraction and, upon conviction, may be punished by a fine
42 of not more than fifty dollars and court costs. Any driver who violates
43 subdivision (4) of subsection 2 of this section shall be subject to the penalty in
44 subsection 5 of section 307.178. If a driver receives a citation for violating
45 subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be
46 dismissed or withdrawn if the driver prior to or at his or her hearing provides
47 evidence of acquisition of a child passenger restraint system or child booster seat
48 which is satisfactory to the court or the party responsible for prosecuting the
49 driver's citation.

50 4. The provisions of this section shall not apply to any public carrier for
51 hire.

52 5. The provisions of this section shall not apply to [students] **children**
53 four years of age or older who are passengers on a school bus designed for
54 carrying eleven passengers or more and which is manufactured or equipped
55 pursuant to Missouri Minimum Standards for School Buses as [school buses are
56 defined in section 301.010, RSMo] **required under section 304.060,**
57 **RSMo. The exemption set forth in this subsection shall apply whether**
58 **or not such bus is being operated by a school district or other entity**
59 **and regardless whether such bus is being used for educational,**
60 **religious, or other purposes.**

61 [5.] 6. The highways and transportation commission shall initiate and
62 develop a program of public information to develop understanding of, and ensure
63 compliance with, the provisions of this section.

311.326. After a period of not less than one year, or upon reaching the age of twenty-one, whichever occurs first, a person who has pleaded guilty to or has been found guilty of violating section 311.325 for the first time, and who since such conviction has not been convicted of any other alcohol-related offense, may apply to the court in which he or she was sentenced for an order to expunge all official records of his or her arrest, plea, trial and conviction. **No records shall be expunged if the person who has plead guilty to or has been found guilty of violating section 311.325 is licensed as a commercial motor vehicle driver or was operating a commercial motor vehicle as defined in section 302.700, RSMo, at the time of the violation.** If the court determines, upon review, that such person has not been convicted of any other alcohol-related offense at the time of the application for expungement, and the person has had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the court shall enter an order of expungement. The effect of such an order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, as if such event had never happened. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever. A person shall be entitled to only one expungement pursuant to this section. Nothing contained in this section shall prevent courts or other state officials from maintaining such records as are necessary to ensure that an individual receives only one expungement pursuant to this section.

385.400. Sections 385.400 to 385.436 shall be known and may be cited as the "Missouri Vehicle Protection Product Act".

385.403. As used in sections 385.400 to 385.436, the following terms shall mean:

(1) "Administrator", a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of vehicle protection product warranties;

(2) "Department", the department of insurance, financial institutions and professional registration;

(3) "Director", the director of the department of insurance, financial institutions, and professional registration;

10 (4) "Incidental costs", expenses specified in the warranty
11 incurred by the warranty holder related to the failure of the vehicle
12 protection product to perform as provided in the warranty. Incidental
13 costs may include, without limitation, insurance policy deductibles,
14 rental vehicle charges, the difference between the actual value of the
15 stolen vehicle at the time of theft and the cost of a replacement vehicle,
16 sales taxes, registration fees, transaction fees, and mechanical
17 inspection fees;

18 (5) "Premium", the consideration paid to an insurer for a
19 reimbursement insurance policy;

20 (6) "Service contract", a contract or agreement for a separately
21 stated consideration or for a specific duration to perform the repair,
22 replacement, or maintenance of a motor vehicle or indemnification for
23 repair, replacement, or maintenance, for the operational or structural
24 failure due to a defect in materials, workmanship, or normal wear and
25 tear, with or without additional provision for incidental payment of
26 indemnity under limited circumstances, including but not limited to
27 towing, rental, and emergency road service, but does not include
28 mechanical breakdown insurance or maintenance agreements;

29 (7) "Vehicle protection product", a vehicle protection device,
30 system, or service that:

31 (a) Is installed on or applied to a vehicle;

32 (b) Is designed to prevent loss or damage to a vehicle from a
33 specific cause; and

34 (c) Includes a written warranty.

35 For purposes of sections 385.400 to 385.436, the term "vehicle protection
36 product" shall include, without limitation, alarm systems, body part
37 marking products, steering locks, window etch products, pedal and
38 ignition locks, fuel and ignition kill switches, and electronic, radio, and
39 satellite tracking devices;

40 (8) "Vehicle protection product warranty" or "warranty", a
41 written agreement by a warrantor that provides that if the vehicle
42 protection product fails to prevent loss or damage to a vehicle from a
43 specific cause, then the warranty holder shall be paid specified
44 incidental costs by the warrantor as a result of the failure of the
45 vehicle protection product to perform pursuant to the terms of the
46 warranty. Incidental costs may be reimbursed under the provisions of

47 the warranty in either a fixed amount specified in the warranty or
48 sales agreement or by the use of a formula itemizing specific incidental
49 costs incurred by the warranty holder;

50 (9) "Vehicle protection product warrantor" or "warrantor", a
51 person who is contractually obligated to the warranty holder under the
52 terms of the vehicle protection product warranty
53 agreement. "Warrantor" does not include an authorized insurer
54 providing a warranty reimbursement insurance policy;

55 (10) "Warranty holder", the person who purchases a vehicle
56 protection product or who is a permitted transferee;

57 (11) "Warranty reimbursement insurance policy", a policy of
58 insurance that is issued to the vehicle protection product warrantor to
59 provide reimbursement to the warrantor or to pay on behalf of the
60 warrantor all covered contractual obligations incurred by the
61 warrantor under the terms and conditions of the insured vehicle
62 protection product warranties sold by the warrantor.

385.406. 1. No vehicle protection product may be sold or offered
2 for sale in this state unless the seller, warrantor, and administrator, if
3 any, comply with the provisions of sections 385.400 to 385.436.

4 2. Vehicle protection product warrantors and related vehicle
5 protection product sellers and warranty administrators complying with
6 sections 385.400 to 385.436 are not required to comply with and are not
7 subject to any other provisions of the state insurance code.

8 3. Service contract providers who do not sell vehicle protection
9 products are not subject to the requirements of sections 385.400 to
10 385.436 and sales of vehicle protection products are exempt from the
11 requirements of sections 407.1200 to 407.1227, RSMo.

12 4. Warranties, indemnity agreements, and guarantees that are
13 not provided as a part of a vehicle protection product are not subject
14 to the provisions of sections 385.400 to 385.436.

15 5. Notwithstanding the provisions of sections 408.140 and 408.233,
16 RSMo, a business which is licensed and regulated under sections
17 367.100 to 367.215, RSMo, may offer and sell service contracts, as
18 defined in section 385.403, in conjunction with other transactions.

385.409. 1. A person may not operate as a warrantor or represent
2 to the public that the person is a warrantor unless the person is
3 registered with the department on a form prescribed by the director.

4 2. Warrantor registration records shall be filed annually and
5 shall be updated within thirty days of any change. The registration
6 records shall contain the following information:

7 (1) The warrantor's name, any fictitious names under which the
8 warrantor does business in the state, principal office address, and
9 telephone number;

10 (2) The name and address of the warrantor's agent for service of
11 process in the state if other than the warrantor;

12 (3) The names of the warrantor's executive officer or officers
13 directly responsible for the warrantor's vehicle protection product
14 business;

15 (4) The name, address, and telephone number of any
16 administrators designated by the warrantor to be responsible for the
17 administration of vehicle protection product warranties in this state;

18 (5) A copy of the warranty reimbursement insurance policy or
19 policies or other financial information required by section 385.412;

20 (6) A copy of each warranty the warrantor proposes to use in this
21 state; and

22 (7) A statement indicating under which provision of section
23 385.412 the warrantor qualifies to do business in this state as a
24 warrantor.

25 3. The director may charge each registrant a reasonable fee to
26 offset the cost of processing the registration and maintaining the
27 records in an amount not to exceed five hundred dollars annually or as
28 set by regulation. The information in subdivisions (1) and (2) of
29 subsection 2 of this section shall be made available to the public.

30 4. If a registrant fails to register by the renewal deadline, the
31 director shall give him or her written notice of the failure and the
32 registrant will have thirty days to complete the renewal of his or her
33 registration before he or she is suspended from being registered in this
34 state.

35 5. An administrator or person who sells or solicits a sale of a
36 vehicle protection product but who is not a warrantor shall not be
37 required to register as a warrantor or be licensed under the insurance
38 laws of this state to sell vehicle protection products.

 385.412. No vehicle protection product shall be sold or offered for
2 sale in this state unless the warrantor conforms to either subdivision

3 (1) or (2) of this section in order to ensure adequate performance under
4 the warranty. No other financial security requirements or financial
5 standards for warrantors shall be required. The vehicle protection
6 product's warrantor may meet the requirements of this section by:

7 (1) Obtaining a warranty reimbursement insurance policy issued
8 by an insurer authorized to do business within this state which
9 provides that the insurer will pay to, or on behalf of, the warrantor one
10 hundred percent of all sums that the warrantor is legally obligated to
11 pay according to the warrantor's contractual obligations under the
12 warrantor's vehicle protection product warranty. The warrantor shall
13 file a true and correct copy of the warranty reimbursement insurance
14 policy with the director. The policy shall contain the provisions
15 required in section 385.415; or

16 (2) Maintaining a net worth or stockholder's equity of fifty
17 million dollars. The warrantor shall provide the director with a copy
18 of the warrantor's or warrantor's parent company's most recent Form
19 10-K or Form 20-F filed with the Securities and Exchange Commission
20 within the last calendar year, or if the warrantor does not file with the
21 Securities and Exchange Commission, a copy of the warrantor or the
22 warrantor's parent company's audited financial statements that shows
23 a net worth of the warrantor or its parent company of at least fifty
24 million dollars. If the warrantor's parent company's Form 10-K, Form
25 20-F, or audited financial statements are filed to meet the warrantor's
26 financial stability requirement, then the parent company shall agree to
27 guarantee the obligations of the warrantor relating to warranties
28 issued by the warrantor in this state. The financial information filed
29 under this subdivision shall be confidential as a trade secret of the
30 entity filing the information and not subject to public disclosure if the
31 entity is not required to file with the Securities and Exchange
32 Commission.

385.415. No warranty reimbursement insurance policy shall be
2 issued, sold, or offered for sale in this state unless the policy meets the
3 following conditions:

4 (1) The policy states that the issuer of the policy will reimburse
5 or pay on behalf of the vehicle protection product warrantor all
6 covered sums which the warrantor is legally obligated to pay or will
7 provide that all service that the warrantor is legally obligated to

8 perform according to the warrantor's contractual obligations under the
9 provisions of the insured warranties sold by the warrantor;

10 (2) The policy states that in the event payment due under the
11 terms of the warranty is not provided by the warrantor within sixty
12 days after proof of loss has been filed according to the terms of the
13 warranty by the warranty holder, the warranty holder may file directly
14 with the warranty reimbursement insurance company for
15 reimbursement;

16 (3) The policy provides that a warranty reimbursement
17 insurance company that insures a warranty shall be deemed to have
18 received payment of the premium if the warranty holder paid for the
19 vehicle protection product and insurer's liability under the policy shall
20 not be reduced or relieved by a failure of the warrantor, for any reason,
21 to report the issuance of a warranty to the insurer; and

22 (4) The policy has the following provisions regarding
23 cancellation of the policy:

24 (a) The issuer of a reimbursement insurance policy shall not
25 cancel such policy until a notice of cancellation in writing has been
26 mailed or delivered to the director and each insured warrantor sixty
27 days prior to cancellation of the policy;

28 (b) The cancellation of a reimbursement insurance policy shall
29 not reduce the issuer's responsibility for vehicle protection products
30 sold prior to the date of cancellation; and

31 (c) In the event an insurer cancels a policy that a warrantor has
32 filed with the director, the warrantor shall do either of the following:

33 a. File a copy of a new policy with the director, before the
34 termination of the prior policy; or

35 b. Discontinue offering warranties as of the termination date of
36 the policy until a new policy becomes effective and is accepted by the
37 director.

385.418. 1. Every vehicle protection product warranty shall be
2 written in clear, understandable language and shall be printed or typed
3 in an easy-to-read point size and font and shall not be issued, sold, or
4 offered for sale in the state unless the warranty:

5 (1) States that the obligations of the warrantor to the warranty
6 holder are guaranteed under a warranty reimbursement insurance
7 policy if the warrantor elects to meet its financial responsibility

8 obligations under subdivision (1) of section 385.412, or states the
9 obligations of the warrantor under this warranty are backed by the full
10 faith and credit of the warrantor if the warrantor elects to meet its
11 financial responsibility under subdivision (2) of section 385.412;

12 (2) States that in the event a warranty holder must make a claim
13 against a party other than the warrantor, the warranty holder is
14 entitled to make a direct claim against the warranty reimbursement
15 insurer upon the failure of the warrantor to pay any claim or meet any
16 obligation under the terms of the warranty within sixty days after
17 proof of loss has been filed with the warrantor, if the warrantor elects
18 to meet its financial responsibility obligations under subdivision (1) of
19 section 385.412;

20 (3) States the name and address of the insurer of the warranty
21 reimbursement insurance policy, and this information need not be
22 preprinted on the warranty form but may be stamped on the warranty,
23 if the warrantor elects to meet its financial responsibility obligations
24 under subdivision (1) of section 385.412;

25 (4) Identifies the warrantor, the seller, and the warranty holder;

26 (5) Sets forth the total purchase price of the vehicle protection
27 product and the terms under which it is to be paid; however, the
28 purchase price is not required to be preprinted on the vehicle
29 protection product warranty and may be negotiated with the consumer
30 at the time of sale;

31 (6) Sets forth the procedure for making a claim, including a
32 telephone number;

33 (7) States the existence of a deductible amount, if any;

34 (8) Specifies the payments or performance to be provided under
35 the warranty including payments for incidental costs, the manner of
36 calculation or determination of payments or performance, and any
37 limitations, exceptions, or exclusions;

38 (9) Sets forth all of the obligations and duties of the warranty
39 holder such as the duty to protect against further damage to the
40 vehicle, the obligation to notify the warrantor in advance of any repair,
41 or other similar requirements, if any;

42 (10) Sets forth any terms, restrictions, or conditions governing
43 transferability of the warranty, if any; and

44 (11) Contains a disclosure that reads substantially as follows:

45 "This agreement is a product warranty and is not insurance".

46 2. At the time of sale, the seller or warrantor shall provide to the
47 purchaser:

48 (1) A copy of the vehicle protection product warranty; or

49 (2) A receipt or other written evidence of the purchase of the
50 vehicle protection product and a copy of the warranty within thirty
51 days of the date of purchase.

385.421. 1. No vehicle protection product may be sold or offered
2 for sale in this state unless the vehicle protection product warranty
3 states the terms and conditions governing the cancellation of the sale
4 and warranty, if any.

5 2. The warrantor may only cancel the warranty if the warranty
6 holder does any of the following:

7 (1) Fails to pay for the vehicle protection product;

8 (2) Makes a material misrepresentation to the seller or
9 warrantor;

10 (3) Commits fraud; or

11 (4) Substantially breaches the warranty holder's duties under the
12 warranty.

13 3. A warrantor canceling a warranty shall mail written notice of
14 cancellation to the warranty holder at the last known address of the
15 warranty holder in the warrantor's records at least thirty days prior to
16 the effective date of the cancellation. The notice shall state the
17 effective date of the cancellation and the reason for the cancellation.

385.424. 1. Unless licensed as an insurance company, a vehicle
2 protection product warrantor shall not use in its name, contracts, or
3 literature the words "insurance", "casualty", "surety", "mutual", or any
4 other word that is descriptive of the insurance, casualty, or surety
5 business or that is deceptively similar to the name or description of any
6 insurance or surety corporation or any other vehicle protection
7 product warrantor. A warrantor may use the term "guaranty" or a
8 similar word in the warrantor's name. A warrantor or its
9 representative shall not in its vehicle protection product warranties or
10 literature make, permit, or cause to be made any false or misleading
11 statement, or deliberately omit any material statement that would be
12 considered misleading if omitted, in connection with the sale, offer to
13 sell, or advertisement of a vehicle protection product warranty.

14 2. A vehicle protection product seller or warrantor may not
15 require as a condition of financing that a retail purchaser of a motor
16 vehicle purchase a vehicle protection product.

 385.427. 1. All vehicle protection product warrantors shall keep
2 accurate accounts, books, and records concerning transactions
3 regulated under sections 385.400 to 385.436.

4 2. A vehicle protection product warrantor's accounts, books, and
5 records shall include:

- 6 (1) Copies of all vehicle protection product warranties;
7 (2) The name and address of each warranty holder; and
8 (3) Claims files which shall contain at least the dates, amounts,
9 and descriptions of all receipts, claims, and expenditures.

10 3. A vehicle protection product warrantor shall retain all
11 required accounts, books, and records pertaining to each warranty
12 holder for at least three years after the specified period of coverage has
13 expired. A warrantor discontinuing business in the state shall maintain
14 its records until it furnishes the director satisfactory proof that it has
15 discharged all obligations to warranty holders in this state.

16 4. Vehicle protection product warrantors shall make all accounts,
17 books, and records concerning transactions regulated under sections
18 385.400 to 385.436 available to the director for examination.

 385.430. 1. The director may conduct examinations of
2 warrantors, administrators, or other persons to enforce sections 385.400
3 to 385.436 and protect warranty holders in this state. Upon request of
4 the director, a warrantor shall make available to the director all
5 accounts, books, and records concerning vehicle protection products
6 provided by the warrantor that are necessary to enable the director to
7 reasonably determine compliance or noncompliance with sections
8 385.400 to 385.436.

9 2. If the director determines that a person has engaged, is
10 engaging in, or has taken a substantial step toward engaging in an act,
11 practice, or course of business constituting a violation of sections
12 385.400 to 385.436 or a rule adopted or order issued pursuant thereto,
13 or a person has materially aided or is materially aiding an act,
14 practice, omission, or course of business constituting a violation of
15 sections 385.400 to 385.436 or a rule adopted or order issued pursuant
16 thereto, the director may issue such administrative orders as

17 authorized under section 374.046, RSMo. A violation of these sections
18 is a level two violation under section 374.049, RSMo.

19 3. If the director believes that a person has engaged, is engaging
20 in, or has taken a substantial step toward engaging in an act, practice,
21 or course of business constituting a violation of sections 385.400 to
22 385.436 or a rule adopted or order issued pursuant thereto, or that a
23 person has materially aided or is materially aiding an act, practice,
24 omission, or course of business constituting a violation of sections
25 385.400 to 385.436 or a rule adopted or order issued pursuant thereto,
26 the director may maintain a civil action for relief authorized under
27 section 374.048, RSMo. A violation of these sections is a level two
28 violation under section 374.049, RSMo.

 385.433. The director may promulgate rules and regulations to
2 implement the provisions of sections 385.400 to 385.436. Such rules and
3 regulations shall include disclosures for the benefit of the warranty
4 holder, record keeping, and procedures for public complaints. Any rule
5 or portion of a rule, as that term is defined in section 536.010, RSMo,
6 that is created under the authority delegated in this section shall
7 become effective only if it complies with and is subject to all of the
8 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
9 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
10 of the powers vested with the general assembly pursuant to chapter
11 536, RSMo, to review, to delay the effective date, or to disapprove and
12 annul a rule are subsequently held unconstitutional, then the grant of
13 rulemaking authority and any rule proposed or adopted after January
14 1, 2009, shall be invalid and void.

 385.436. Sections 385.400 to 385.436 applies to all vehicle
2 protection products sold or offered for sale on or after January 1,
3 2009. The failure of any person to comply with sections 385.400 to
4 385.436 prior to January 1, 2009, shall not be admissible in any court
5 proceeding, administrative proceeding, arbitration, or alternative
6 dispute resolution proceeding and may not otherwise be used to prove
7 that the action of any person or the affected vehicle protection product
8 was unlawful or otherwise improper. The adoption of sections 385.400
9 to 385.436 does not imply that a vehicle protection product warranty
10 was insurance prior to January 1, 2009. The penalty provision of
11 sections 385.400 to 385.436 do not apply to any violation of sections

12 385.400 to 385.436 relating to or in connection with the sale or failure
13 to disclose in a retail installment contract or lease, or contract or
14 agreement that provides for payments under a vehicle protection
15 product warranty so long as the sale of such product, contract, or
16 agreement was otherwise disclosed to the purchaser in writing at the
17 time of the purchase or lease.

390.021. 1. The provisions of this section shall be applicable,
2 notwithstanding any provisions of section 390.030 to the contrary.

3 2. As used in chapter 622, RSMo, and in this section, except when
4 the context clearly requires otherwise, the following terms shall mean:

5 (1) "UCR implementing regulations", includes the regulations
6 issued by the United States Secretary of Transportation under 49
7 U.S.C.A. Section 13908, the rules and regulations issued by the board of
8 directors of the Unified Carrier Registration (UCR) plan under 49
9 U.S.C.A. Section 14504a, and the administrative rules adopted by the
10 state highways and transportation commission under this section;

11 (2) "Unified Carrier Registration Act", or "UCR Act", sections 4301
12 to 4308 of the Unified Carrier Registration Act of 2005, within subtitle
13 C of title IV of the "Safe, Accountable, Flexible, Efficient Transportation
14 Equity Act: A Legacy For Users" or "SAFETEA-LU", Public Law 109-59
15 (119 Stat. 1761), as those sections have been and periodically may be
16 amended.

17 3. Except when the context clearly requires otherwise, the
18 definitions of words in 49 U.S.C. Sections 13102, 13908, and 14504a shall
19 apply to and determine the meaning of those words as used in this
20 section.

21 4. In carrying out and being subject to the provisions of the UCR
22 Act, the Unified Carrier Registration (UCR) agreement, the UCR
23 implementing regulations, and this section, but notwithstanding any
24 other provisions of law to the contrary, the state highways and
25 transportation commission may:

26 (1) Submit to the proper federal authorities, amend and carry
27 out a state plan to qualify as a base-state and to participate in the UCR
28 plan and administer the UCR agreement, and take other necessary
29 actions as the designated representative of the state of Missouri so that:

30 (a) Missouri domiciled entities who must register and pay UCR
31 registration fees are not required to register and pay those fees in a

32 base-state other than the state of Missouri;

33 (b) The state of Missouri does not forfeit UCR registration fee
34 revenues; and

35 (c) The state of Missouri may maintain its eligibility to receive
36 the maximum allowable allocations of revenues derived under the UCR
37 agreement;

38 (2) Administer the UCR registration of Missouri domiciled motor
39 carriers, motor private carriers, brokers, freight forwarders and
40 leasing companies, and such persons domiciled in non-participating
41 states who have designated this state as their base-state under the UCR
42 Act;

43 (3) Receive, collect, process, deposit, transfer, distribute, and
44 refund UCR registration fees relating to any of the persons and
45 activities described in this section. Notwithstanding any provisions of
46 law to the contrary, these UCR registration fees collected by the
47 commission are hereby designated as "nonstate funds" within the
48 meaning of section 15, article IV, Constitution of Missouri, and the
49 commission shall transmit these funds to the state department of
50 revenue for deposit to the credit of the state highways and
51 transportation department fund. The commission shall, from time to
52 time, direct the payment of, and the director of revenue shall pay, the
53 fees so deposited, in accordance with the provisions of the UCR Act, the
54 UCR agreement, and the UCR implementing regulations. The director
55 of revenue shall credit all income derived from the investment of these
56 funds to the state highways and transportation department fund;

57 (4) Exercise all other powers, duties, and functions the UCR Act
58 requires of or allows a participating state or base-state;

59 (5) Promulgate administrative rules and issue specific orders
60 relating to any of the persons and activities described in this
61 section. Any rule or portion of a rule, as that term is defined in section
62 536.010, RSMo, that is created under the authority delegated in this
63 section shall become effective only if it complies with and is subject to
64 all of the provisions of chapter 536, RSMo, and, if applicable, section
65 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
66 and if any of the powers vested with the general assembly pursuant to
67 chapter 536, RSMo, to review, to delay the effective date, or to
68 disapprove and annul a rule are subsequently held unconstitutional,

69 then the grant of rulemaking authority and any rule proposed or
70 adopted after August 28, 2008, shall be invalid and void;

71 (6) Enter into agreements with any agencies or officers of the
72 United States, or of any state that participates or intends to enter into
73 the UCR agreement; and

74 (7) Delegate any or all of the powers, duties, and functions of the
75 commission under this section to any agent or contractor.

76 5. After the commission has entered into the UCR plan on behalf
77 of this state, the requirements in the UCR agreement shall take
78 precedence over any conflicting requirements under chapter 622,
79 RSMo, or this chapter.

80 6. Notwithstanding any other provisions of law to the contrary,
81 every motor carrier, motor private carrier, broker, freight forwarder,
82 and leasing company that has its principal place of business within this
83 state, and every such person who has designated this state as the
84 person's base-state under the provisions of the UCR Act, shall timely
85 complete and file with the state highways and transportation
86 commission all the forms required by the UCR agreement and the UCR
87 implementing regulations, and shall pay the required UCR registration
88 fees to the commission.

89 7. All powers of the commission under section 226.008, RSMo, are
90 hereby made applicable to the enforcement of this section with
91 reference to any person subject to any provision of this section. The
92 chief counsel shall not be required to exhaust any administrative
93 remedies before commencing any enforcement actions under this
94 section. The provisions of chapter 622, RSMo, shall apply to and govern
95 the practice and procedures before the courts in those actions.

96 8. Except as required by the UCR Act, the UCR agreement, or the
97 UCR implementing regulations, the provisions of this section and the
98 rules adopted by the commission under this section shall not be
99 construed as exempting any motor carrier, or any person controlled by
100 a motor carrier, from any of the requirements of chapter 622, RSMo, or
101 this chapter, relating to the transportation of passengers or property
102 in intrastate commerce.

390.136. 1. No motor carrier, except as provided in section 390.030, shall
2 operate any motor vehicle unless such vehicle shall be accompanied by an annual
3 or seventy-two-hour regulatory license issued by the state highways and

4 transportation commission; provided that when a motor carrier uses a
5 truck-tractor for pulling trailers or semitrailers, such motor carrier may elect to
6 license either the truck-tractor, trailer or semitrailer. The fee for each such
7 regulatory license shall be ten dollars per year and shall be due and payable as
8 provided in this section. Such license shall be issued in such form and shall be
9 used pursuant to such reasonable rules and regulations as may be prescribed by
10 the commission.

11 2. Any regulatory license issued to a motor carrier for use in driveway
12 operations, as defined in this section, shall be issued to such motor carrier
13 without reference to any particular vehicle and may be used interchangeably by
14 the holder thereof on any motor vehicle or combinations thereof moving in
15 driveway operations under such carrier's property carrier registration,
16 certificate, or permit.

17 3. In case of emergency, temporary, unusual or a peak demand for
18 transportation, additional vehicles as described in subsection 1 of this section
19 may be operated upon issuance of a seventy-two-hour license for each vehicle so
20 operated. The license fee for each such additional vehicle shall be the sum of five
21 dollars for each seventy-two consecutive hours, or any portion thereof. Such
22 licenses shall be issued, renewed, and staggered in such form and shall be used
23 pursuant to such reasonable rules and regulations as the commission may
24 prescribe. No such additional vehicle which has been licensed pursuant to this
25 subsection shall be operated without being accompanied by such license.

26 4. The commission shall collect the applicable license fee prior to the
27 issuance of such license or licenses provided for in this section, and shall receive
28 the license fee or fees and immediately deposit the same to the credit of the state
29 highways and transportation department fund [except as otherwise provided in
30 section 622.095, RSMo,] or when an agreement has been negotiated with another
31 jurisdiction whereby prepayment is not required. In such cases, [section 622.095,
32 RSMo, if applicable, or] the terms of the agreement shall prevail.

33 5. Any person operating as a motor carrier who violates or fails to comply
34 with any of the provisions of this section shall be adjudged guilty of a
35 misdemeanor and, upon conviction thereof, shall be punished by a fine of not
36 more than one hundred dollars.

37 6. The regulatory license fee provided in this section may be paid at any
38 state weigh station.

39 7. The commission shall prescribe, for every regulatory license issued

40 pursuant to this section, an effective date and an expiration
41 date. Notwithstanding any provision of law to the contrary, the commission may
42 stagger the issuance of licenses pursuant to this section to begin at quarterly
43 intervals during any calendar year. Not later than the expiration date of the
44 current license, or as otherwise prescribed, each motor carrier shall pay the
45 regulatory license fee for each vehicle that the carrier will operate during the
46 next yearly period. The commission may issue partial or over one-year licenses
47 during the transition from an annual license, to accommodate motor carriers in
48 adding vehicles to their operations during the year, to coordinate the dates for a
49 single carrier's licensing of multiple licenses, or for such other reasons as
50 approved by the commission.

430.082. 1. Every person expending labor, services, skill or material upon
2 any motor vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined
3 in chapter 306, RSMo, outboard motor or aircraft at a written request of its
4 owner, authorized agent of the owner, or person in lawful possession thereof, or
5 who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the
6 written request of its owner, authorized agent of the owner, or person in lawful
7 possession thereof, or at the written request of a peace officer in lieu of the owner
8 or owner's agent, where such owner or agent is not available to request storage
9 thereof, shall, where the maximum amount to be charged for labor, services, skill
10 or material has been stated as part of the written request or the daily charge for
11 storage has been stated as part of the written request, have a lien upon the
12 chattel beginning upon the date of commencement of the expenditure of labor,
13 services, skill, materials or storage for the actual value of all the expenditure of
14 labor, services, skill, materials or storage until the possession of that chattel is
15 voluntarily relinquished to the owner, authorized agent, or one entitled to
16 possession thereof. The person furnishing labor, services, skill or material may
17 retain the lien after surrendering possession of the aircraft or part or equipment
18 thereof by filing a statement in the office of the county recorder of the county
19 where the owner of the aircraft or part or equipment thereof resides, if known to
20 the claimant, and in the office of the county recorder of the county where the
21 claimant performed the services. Such statement shall be filed within thirty days
22 after surrendering possession of the aircraft or part or equipment thereof and
23 shall state the claimant's name and address, the items on account, the name of
24 the owner and a description of the property, and shall not bind a bona fide
25 purchaser unless the lien has also been filed with the Federal Aviation

26 Administration Aircraft Registry.

27 2. If the chattel is not redeemed within three months of the completion
28 of the requested labor, services, skill or material, the lienholder may apply to the
29 director of revenue for a certificate of ownership or certificate of title.

30 3. If the charges are for storage or the service of towing the motor vehicle,
31 trailer, outboard motor or vessel, and the chattel has not been redeemed three
32 months after the charges for storage commenced, the lienholder shall notify by
33 certified mail, postage prepaid, the owner and any lienholders of record other
34 than the person making the notification, at the person's last known address that
35 application for a lien title will be made unless the owner or lienholder within
36 forty-five days makes satisfactory arrangements with the person holding the
37 chattel for payment of storage or service towing charges, if any, or makes
38 satisfactory arrangements with the lienholder for paying such charges or for
39 continued storage of the chattel if desired. Forty-five days after the notification
40 has been mailed and the chattel is unredeemed, **or the notice has been**
41 **returned marked "not forwardable" or "addressee unknown",** and no
42 satisfactory arrangement has been made with the lienholder for payment or
43 continued storage, the lienholder may apply to the director of revenue for a
44 certificate of ownership or certificate of title as provided in this section.

45 4. The application shall be accompanied by:

46 (1) The original or a conformed or photostatic copy of the written request
47 of the owner or the owner's agent or of a peace officer with the maximum amount
48 to be charged stated therein;

49 (2) An affidavit [of] **from the lienholder that written notice was**
50 **provided to all owners and lienholders of the applicant's intent to apply**
51 **for a certificate of ownership and** that the owner has defaulted on payment
52 of labor, services, skill or material and that payment is three months past due,
53 or that owner has defaulted on payment or has failed to make satisfactory
54 arrangements for continued storage of the chattel for forty-five days since
55 notification of intent to make application for a certificate of ownership or
56 certificate of title. **The affidavit shall be accompanied by a copy of the**
57 **forty-five day notice given by certified mail to any owner and person**
58 **holding a valid security interest and a copy of the certified mail receipt**
59 **indicating that the owner and lienholder of record was sent a notice as**
60 **required by this section; and**

61 (3) A statement of the actual value of the expenditure of labor, services,

62 skill or material, or the amount of storage due on the date of application for a
63 certificate of ownership or certificate of title, and the amount which is unpaid;
64 and

65 (4) A fee of ten dollars.

66 5. If the director is satisfied with the genuineness of the application and
67 supporting documents, [the director shall notify by certified mail, postage
68 prepaid, the owner and any lienholders of record, other than the applicant, at
69 their last known address that application has been made for a lien title on the
70 chattel.

71 6. Thirty days after notification of the owner and lienholders,] **and** if no
72 lienholder or the owner has redeemed the chattel or no satisfactory arrangement
73 has been made concerning payment or continuation of storage [and the
74 application has not been withdrawn], and if no owner or lienholder has informed
75 the director that the owner or lienholder demands a hearing [and enforcement of
76 the lien] as provided in [section 430.160] **this section**, the director shall issue,
77 in the same manner as a repossessed title is issued, a certificate of ownership or
78 certificate of title to the applicant which shall clearly be captioned "Lien Title".

79 **6. The owner or lienholder of any motor vehicle or trailer as**
80 **defined in chapter 301, RSMo, vessel as defined in chapter 306, RSMo,**
81 **outboard motor or aircraft within ten days of receiving notification**
82 **under this section may file a petition in the associate court in the**
83 **county where the motor vehicle, trailer, vessel, outboard motor, or**
84 **aircraft is stored to determine if the motor vehicle, trailer, vessel,**
85 **outboard motor, or aircraft was wrongfully taken or withheld from the**
86 **owner. The petition shall name the person expending labor, services,**
87 **skill, or material among the defendants. The director of revenue shall**
88 **not be a party to such petition but a copy of the petition shall be served**
89 **on the director of revenue who shall not issue title to such motor**
90 **vehicle, trailer, vessel, outboard motor, or aircraft under this section**
91 **until the petition is finally decided.**

92 7. Upon receipt of a lien title, the holder shall within ten days begin
93 proceedings to sell the chattel as prescribed in section 430.100.

94 8. The provisions of section 430.110 shall apply to the disposition of
95 proceeds, and the lienholder shall also be entitled to any actual and necessary
96 expenses incurred in obtaining the lien title, including, but not limited to, court
97 costs and reasonable attorney's fees.

[390.071. 1. No person shall engage in the business of a motor carrier in interstate commerce on any public highway in this state unless there is in force with respect to such carrier a permit issued by the division of motor carrier and railroad safety authorizing such operations.

2. Upon application to the division in writing, containing such information as the division may by rule require, accompanied by a copy of applicant's certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, the filing of such liability insurance policy or bond and other formal documents as the division shall by rule require, the division, if it finds applicant qualified, shall, with or without hearing, issue a permit authorizing the proposed interstate operations.]

[622.095. 1. In addition to its other powers, the state highways and transportation commission may negotiate and enter into fair and equitable cooperative agreements or contracts with other states, the District of Columbia, territories and possessions of the United States, foreign countries, and any of their officials, agents or instrumentalities, to promote cooperative action and mutual assistance between the participating jurisdictions with regard to the uniform administration and registration, through a single base jurisdiction for each registrant, of Federal Motor Carrier Safety Administration operating authority and exempt operations by motor vehicles operated in interstate commerce. Notwithstanding any other provision of law to the contrary, and in accordance with the provisions of such agreements or contracts between participating jurisdictions, the commission may:

(1) Delegate to other participating jurisdictions the authority and responsibility to collect and pay over statutory registration, administration or license fees; to receive, approve and maintain the required proof of public liability insurance coverage; to receive, process, maintain and transmit registration information and documentation; to issue evidence of proper registration in lieu of certificates, licenses, or permits which the commission may issue

23 motor vehicle licenses or identifiers in lieu of regulatory licenses
24 under section 390.136, RSMo; and to suspend or revoke any
25 credential, approval, registration, certificate, permit, license, or
26 identifier referred to in this section, as agents on behalf of the
27 commission with regard to motor vehicle operations by persons
28 having a base jurisdiction other than this state;

29 (2) Assume the authority and responsibility on behalf of
30 other jurisdictions participating in such agreements or contracts to
31 collect and direct the department of revenue to pay over to the
32 appropriate jurisdictions statutory registration, administration or
33 license fees, and to perform all other activities described in
34 subdivision (1) of this subsection, on its own behalf or as an agent
35 on behalf of other participating jurisdictions, with regard to motor
36 vehicle operations in interstate commerce by persons having this
37 state as their base jurisdiction;

38 (3) Establish or modify dates for the payment of fees and
39 the issuance of annual motor vehicle licenses or identifiers in
40 conformity with such agreements or contracts, notwithstanding any
41 provisions of section 390.136, RSMo, to the contrary; and

42 (4) Modify, cancel or terminate any of the agreements or
43 contracts.

44 2. Notwithstanding the provisions of section 390.136, RSMo,
45 statutory registration, administration or license fees collected by
46 the commission on behalf of other jurisdictions under such
47 agreements or contracts are hereby designated as "nonstate funds"
48 within the meaning of section 15, article IV, Constitution of
49 Missouri, and shall be immediately transmitted to the department
50 of revenue of the state for deposit to the credit of a special fund
51 which is hereby created and designated as the "Base State
52 Registration Fund". The commission shall direct the payment of,
53 and the director of revenue shall pay, the fees so collected to the
54 appropriate other jurisdictions. All income derived from the
55 investment of the base state registration fund by the director of
56 revenue shall be credited to the state highways and transportation
57 department fund.

58 3. "Base jurisdiction", as used in this section, means the

59 jurisdiction participating in such agreements or contracts where
60 the registrant has its principal place of business.

61 4. Every person who has properly registered his or her
62 interstate operating authority or exempt operations with his or her
63 base jurisdiction and maintains such registration in force in
64 accordance with such agreements or contracts is authorized to
65 operate in interstate commerce within this state any motor vehicle
66 which is accompanied by a valid annual license or identifier issued
67 by his base jurisdiction in accordance with such agreements or
68 contracts, notwithstanding any provision of section 390.071,
69 390.126 or 390.136, RSMo, or rules of the commission to the
70 contrary.

71 5. Notwithstanding any provision of law to the contrary, the
72 commission may stagger and prorate the payment and collection of
73 license fees pursuant to this section for the purposes of:

74 (1) Coordinating the issuance of regulatory licenses under
75 this section with the issuance of other motor carrier credentials;
76 and

77 (2) Complying with any federal law or regulation.]

Section B. The repeal and reenactment of sections 302.272, 302.275, and
2 303.321, and the enactment of sections 385.400 to 385.436 of this act shall become
3 effective January 1, 2009.

Section C. The provisions of sections 385.400 to 385.436 are severable. If
2 any part of sections 385.400 to 385.436 is declared invalid or unconstitutional, it
3 is the intent of the legislature that the remaining portions of sections 385.400 to
4 385.436 shall remain and be in full force and effect.

Section D. Because of the need to ensure that private organizations are
2 not financially restrained from providing transportation services to children in
3 buses that otherwise address the safety concerns of the child passenger restraint
4 law, the repeal and reenactment of section 307.179 of this act is deemed
5 necessary for the immediate preservation of the public health, welfare, peace, and
6 safety, and is hereby declared to be an emergency within the meaning of the
7 constitution, and the repeal and reenactment of section 307.179 of this act shall
8 be in full force and effect upon its passage and approval.